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ABSTRACT

The employment problem among minority groups (whites with a Spanish surname, American Indians, and Negroes) in New Mexico is the major consideration of this study. Minority groups are defined, and charts, maps, and graphs clarify the definition. The study brings together as much socioeconomic information as possible to aid the New Mexico State Employment Service in meeting the employment needs of minority groups. Two of the key findings isolated by the study were (1) that, despite having equal education, non-whites earned less than whites in New Mexico and (2) that there were factors other than education which seemed to prevent minority group members from obtaining jobs and salaries similar to majority group members with the same educational attainment. The document also includes reviews of basic State and Federal legislation related to equal employment opportunities of minority groups. (DB)

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MINORITY GROUPS IN NEW MEXICO

- Spanish Surname
- Negro
- Indian

EMPLOYMENT SECURITY COMMISSION OF NEW MEXICO

NEW MEXICO STATE EMPLOYMENT SERVICE

DAVID F. CARGO — Governor
PAUL J. CRUZ — Chairman - Executive Director
MAX R. SALAZAR — Deputy Director
G. W. DUNNING — Director of Employment Service

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* Spanish Surname

* Negro

* Indian

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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MINORITY GROUPS
IN
NEW MEXICO

Employment Security Commission of New Mexico

New Mexico State Employment Service

DAVID F. CARGO - GOVERNOR

Paul J. Cruz - Chairman-Executive Director

Max R. Salazar - Deputy Director

Prepared in:

EQUAL OPPORTUNITY SECTION

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FOREWORD

The greater emphasis on civil rights which has occurred during the past few years and most recently outlined in the Civil Rights Act of 1964, has stimulated an increased demand for data with which to evaluate the status of minority groups throughout the United States. Through the years a great deal of information has been written about minority groups most of it is of a general nature or a very localized nature which most organizations cannot use to assess the conditions of these groups unless the information is gathered and assembled to fit the machinery of the agency working with minority groups.

The purpose of this study is to bring together as much information as possible which is necessary for the New Mexico State Employment Service to meet its responsibilities to minority groups in the State of New Mexico.

For the purpose of this study, a minority group is any group of people, regardless of numerical size, whose members because of race, creed, color or national origin are denied or are limited in job opportunities or training facilities.

The study of population groups always raises questions concerning their identification and rightly so because most citizens of this country want to be known as Americans and do not enjoy often used hyphenated labels. In this report no attempt will be made to identify any group beyond the classification they have assumed while responding to the census. Throughout this study White-Anglo will refer to all caucasians other than those whites of Spanish Surname. Spanish Surname will refer to those individuals identified as White Spanish Surname individuals in the census data. The term Indian, for the sake of brevity, will refer to all American Indians. Where specific data was not available for the Indian, he is included under the classification of non-white, as are the Negro and all other non-white groups.

INTRODUCTION

This study focuses on employment and employment related problems of minority group members in the State of New Mexico. To accomplish this, it has been necessary to identify these groups, and develop socio-economic data about them that will be of value to the Employment Security Commission in serving them.

Four major groups were identified in New Mexico, the White-Anglo, the White Spanish Surname, the American Indian and the Negro. Of these four groups, the latter three are not only a numerical minority, but also represent a statistically lower socio-economic level in comparison with the White-Anglo in the state. These three groups face some very common problems. Members of the three groups can be identified by a name, or their ethnic background as groups they have a low income, a low educational level,a high rate of unemployment and a high percentage of those who get an education never attain the same economic level as the White-Anglo with a comparable level of education. Perhaps, because of these parallels, "Minority Groups" is as desirable a term as any to use when discussing these groups.

Information on population characteristics, economic level and educational attainment was developed from 1960 census data, unless otherwise indicated. More current information on these subjects, although too fragmented for a detailed study, indicates that the situation hasn't changed very much for these groups since 1960. Since the information is intended mainly for the use of the Employment Security Commission, the maps, tables and charts used to present this information are intended to aid local offices to assess the status of minority groups in their areas by interrelating the information presented.

This study also includes the basic State and Federal Legislation which relates to minority groups especially in the area of equal employment opportunity. It is hoped that enough information on legislation has been included so that local offices will be able to inform employers and applicants of their responsibility under the law. The information on legislation was assembled from State and Federal Government documents, for any official interpretations, reference should be made to the basic documents.

Even the limited data available on the several minority groups in the State of New Mexico indicates that these groups are at a disadvantage when seeking employment. Since employment is the lifeline of the Employment Security Commission, we must accept the responsibility for helping these groups compete more favorably for employment in our state. We must take the initiative to promote employment opportunity for all, encourage employers to base hiring specifications exclusively on job performance factors, not to refer applicants on discriminatory job orders, to register, counsel, test, select and refer applicants to jobs or training solely on the basis of qualifications. To take this initiative we must avoid apathy and cynicism that so often are a crutch for lack of initiative. Now appears to be a very opportune time to take initiative and attack the employment problems of minority groups. If for no other reason, because of the limited supply of workers as indicated by a low unemployment rate. The unemployment rate, in the State of New Mexico, for the total population is at a low of 4.1%. If we are to meet the needs of both applicant and employer, we will have to turn our attention to those segments of the population with high unemployment rates. One of these groups on which current data is available, is the non-white population, which in 1965, in New Mexico, had an unemployment rate of 8.3% more than twice that of the white population. Considering these rates, it will be a challenge meeting the needs of our state's labor force, which will require many and varied approaches involving the applicant and the employer. It will mean that many of the applicants coming through our doors are not going to be ready to take the jobs the Employment Service has on file because most of these applicants white or non-white probably lack the skills to compete in today's labor market. Are we going to be satisfied by saying we cannot do any more than we are doing to meet the needs of the employer because we do not have qualified applicants to send him? Are we, or the applicant, going to be satisfied when we tell an applicant that we cannot send him to a job because he lacks skills? If we take this approach, we will fall far short of meeting our responsibilities because the lower the unemployment rate drops, the higher the rate of applicants without skills our local offices are going to find themselves dealing with, and then who are we going to send to the employer? We have a choice. We can meet our responsibilities, if we begin now to use every means at our disposal to help applicants become qualified to compete for jobs and help employers understand the problems many do not realize they are facing because a high employment rate has absorbed most of the qualified workers. It is our duty to turn the employer's attention to those workers that he may have overlooked in the past. Stress the importance to him and the community of helping those individuals who in the past have had limited or no participation in the labor force to become more active in the labor force.

CHAPTER I

THE EMPLOYMENT SECURITY COMMISSION IN NEW MEXICO

ORGANIZATION OF THE EMPLOYMENT SECURITY COMMISSION IN NEW MEXICO

The Wagner-Peyser Act passed on June 6, 1933, provided the initial legislative basis for the establishment of the United States Employment Service and its affiliated State Employment Service.

The mission of the Employment Service was spelled out in Section 3(a) of the act as follows:

> "It shall be the province and duty of the Bureau to promote and develop a national system of employment offices for men, women and juniors who are legally qualified to engage in gainful occupations, including employment counseling and placement services for handicapped persons, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a farm placement service, to maintain a public employment service for the District of Columbia and in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several states and the political subdivisions thereof in which there shall be located a veterans' employment service. The Bureau shall also assist in coordinating the public employment offices throuthout the country and in increasing their efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several states."

In accordance with the precepts of the Wagner-Peyser Act, the New Mexico State Employment Service was created. In 1936, the State of New Mexico passed the Unemployment Compensation Law which gave a beginning to the agency that is today known as the Employment Security Commission of New Mexico. The title of this law gives us a summary of its mission as follows:

> To establish a system of unemployment compensation; providing for the administration of such system and for the payment of compensation to the unemployed; providing revenues therefor by levying charges and contributions upon employers and providing for a collection thereof; defining terms used in this act; establishing an unemployment compensation commission and providing for divisions thereof; establishing certain funds and accounts and providing for their custody and disbursement; transferring the present New Mexico State Employment Service, its property, personnel and unexpanded appropriation to the unemployment compensation commission and providing for its administration; providing for the promulgation of rules and regulations pertaining to the administration of this act; providing for reciprocal benefit agreements with other states; prescribing penalities for the violation of the provisions of this act; appropriating all money collected and received under this act; and declaring an emergency (Title of the original 1936 act.)

Today the Employment Security Commission of New Mexico has 23 offices throughout the state. Ninteen of these are local offices operated by a manager and 3 are sub-offices under the administrative responsibility of another local office. The Lovington Sub-Office is responsible to the

Hobbs Local Office, the Taos Office to Espanola Local Office, and the Grants Office to the Gallup Local Office. These local offices are divided into four districts headed by four district supervisors who are administratively responsible to the State Administrative Office in Albuquerque, New Mexico. (See map on page 4) The district supervisors are stationed at Albuquerque, Santa Fe, Roswell and Las Cruces. Offices also furnish itinerant unemployment insurance claims services to 22 or more other communities throughout the state.

Local offices furnish services in registration, placement, testing, counseling, unemployment insurance claims, job development and development of training programs. Local offices have a responsibility to both applicants and employers and are organized to meet the employment related needs of both.

List of local offices by district:

DISTRICT I
- Albuquerque
- Albuquerque YOC
- Albuquerque F&L

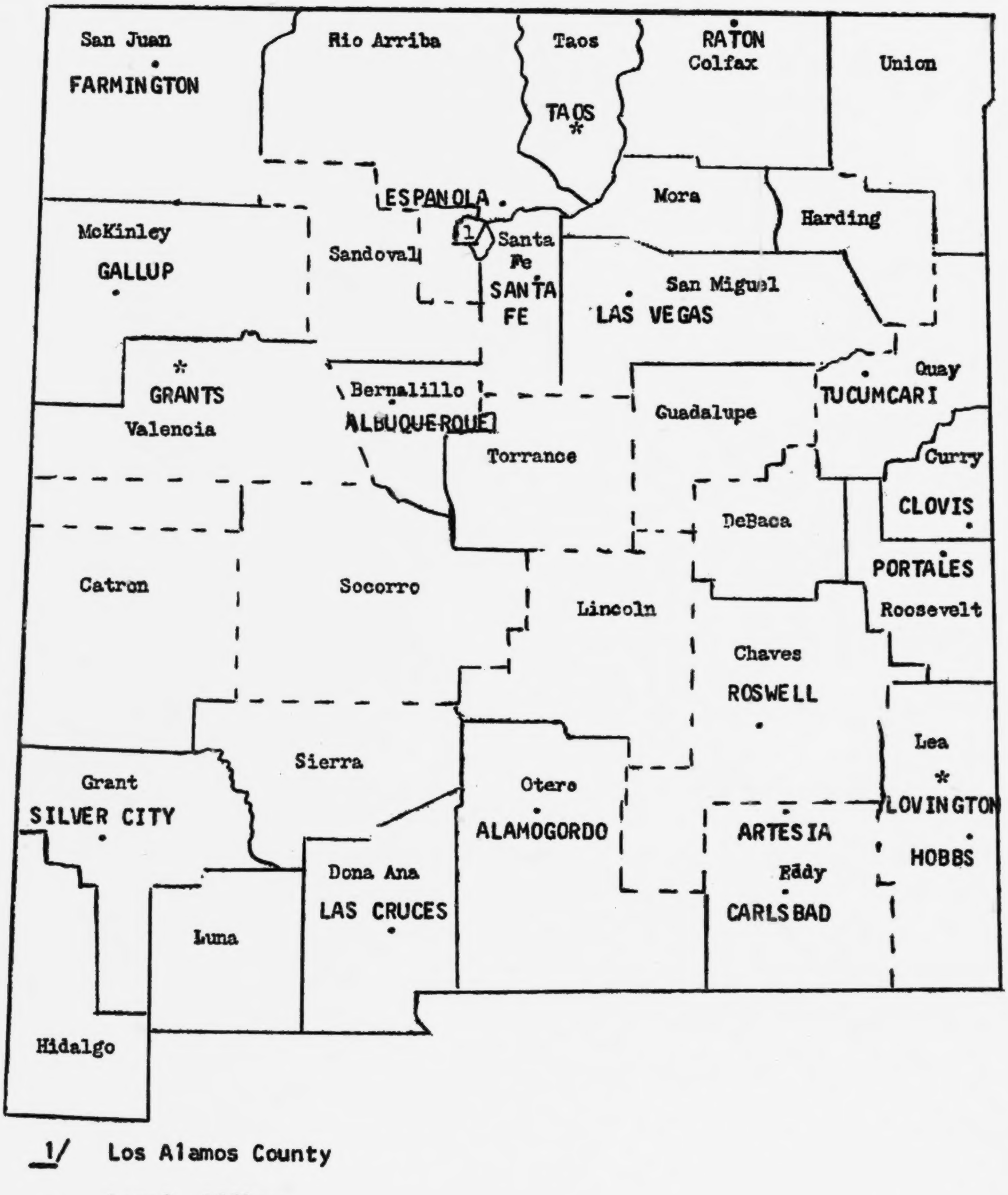
DISTRICT II
- Espanola
- Farmington
- Gallup
- *Grants
- Las Vegas
- Raton
- *Taos
- Santa Fe

DISTRICT III
- Alamogordo
- Artesia
- Carlsbad
- Las Cruces
- Silver City

DISTRICT IV
- Clovis
- Hobbs
- *Lovington
- Portales
- Roswell
- Tucumcari

* Denotes Sub-Offices

LOCATION OF NEW MEXICO STATE EMPLOYMENT SERVICE OFFICES AND DISTRICT DIVISION



1/ Los Alamos County

. Local Offices

* Sub Offices

--- District Divisions

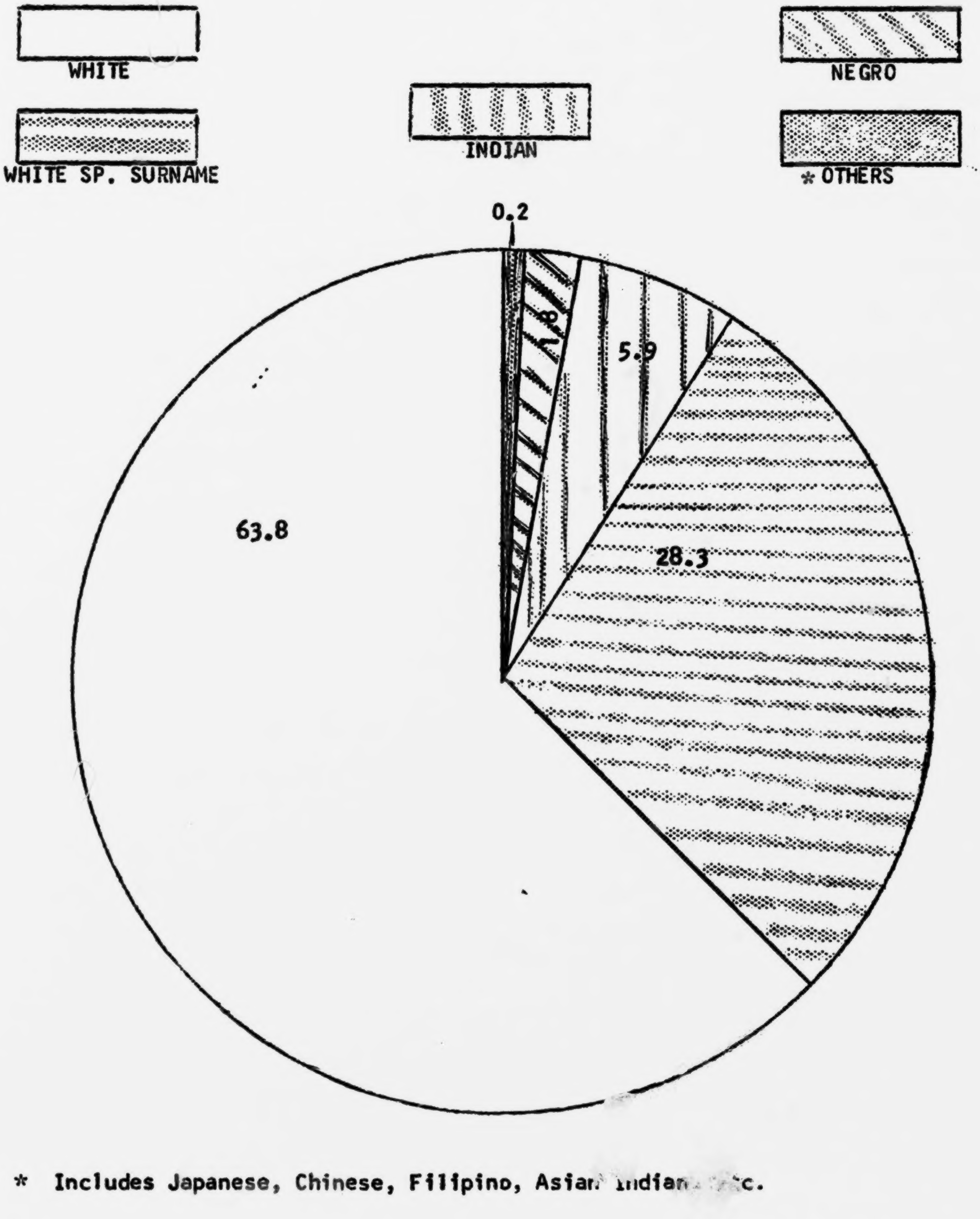
CHAPTER II

GENERAL POPULATION AND CHARACTERISTICS FOR THE STATE OF NEW MEXICO

Composition of the Population of the State of New Mexico

According to the 1960 Census, the population of the State of New Mexico was 951,023. Four groups, the Anglo White, the White Spanish Surname, the Negro and the Indian comprise all but 0.2% of the State's total population. Of all groups, the Anglo White is the largest, representing 65.0% of the state's total population and out-numbering all other groups by more than 2 to 1. The chart on the following page gives a quick-glance summary of the percentage distribution of the various groups that compose the entire population of the State of New Mexico. However, more detailed population information in this chapter is presented on the three major minority groups; the White Spanish Surname, the Indian and the Negro. This approach is necessary because the distribution of these minorities throughout the state varies in number from county to county and this variation affects the planning of Services to Minority Groups by Employment Service local offices throughout the state.

COMPOSITION OF THE POPULATION OF NEW MEXICO



* Includes Japanese, Chinese, Filipino, Asian Indian, etc.

GENERAL POPULATION FOR NEW MEXICO COUNTIES: 1960

RACE COUNTIES	TOTAL POPULATION	WHITE	WHITE SPANISH SURNAME	NEGRO	INDIAN	JAPANESE	CHINESE	FILIPINO	OTHER RACES
1. Bernalillo	262,199	185,347	68,101	4,672	3,378	396	134	53	118
2. Catron	2,773	2,018	755	30	37	—	—	—	—
3. Chaves	57,649	47,541	7,784	2,050	116	58	24	22	54
4. Colfax	13,806	8,169	5,535	75	15	4	—	1	7
5. Curry	32,691	27,014	3,676	1,798	22	108	18	32	23
6. DeBaca	2,991	2,243	748	3	—	—	—	—	—
7. Dona Ana	59,948	33,060	25,214	1,375	67	108	24	36	64
8. Eddy	50,783	38,459	11,224	1,047	39	5	8	—	1
9. Grant	18,700	9,723	8,820	94	10	6	40	—	7
10. Guadulupe	5,610	1,529	4,068	7	1	5	—	—	—
11. Harding	1,874	1,377	497	1	—	—	—	—	1
12. Hidalgo	4,961	2,948	2,013	11	—	1	10	—	2
13. Lea	53,429	48,138	2,555	2,624	44	39	16	—	13
14. Lincoln	7,744	5,504	2,240	19	45	11	—	—	—
15. Los Alamos	13,037	11,574	1,463	33	42	2	8	—	5
16. Luna	9,639	6,255	3,388	193	1	—	—	1	1
17. McKinley	37,209	11,142	4,521	346	21,104	53	6	4	33
18. Mora	6,028	877	5,148	2	—	—	1	—	—
19. Otero	36,976	28,348	5,891	1,442	1,195	72	—	17	11
20. Quay	12,279	8,532	3,604	136	4	—	—	—	3
21. Rio Arriba	24,193	4,930	16,835	40	2,349	1	—	4	4
22. Roosevelt	16,198	15,174	1,024	50	10	13	—	3	47
23. Sandoval	14,201	3,704	4,538	8	5,941	—	—	—	10
24. San Juan	53,306	34,971	3,645	438	14,212	10	13	6	11
25. San Miguel	23,468	7,254	16,077	79	39	2	10	—	7
26. Santa Fe	44,970	5,027	24,400	235	842	5	34	2	11
27. Sierra	6,409	6,346	1,382	20	42	—	—	—	1
28. Socorro	10,168	4,712	4,761	47	619	17	2	1	9
29. Taos	15,934	3,879	11,015	55	980	2	—	—	3
30. Torrance	6,497	3,759	2,710	14	4	—	—	—	10
31. Union	6,068	4,596	1,472	2	2	1	—	—	—
32. Valencia	39,085	19,818	14,018	117	5,095	11	14	10	2
TOTAL	951,023	606,641	269,122	17,063	56,255	930	362	192	458

NEGRO, INDIAN AND SPANISH SURNAME PERSONS NUMBER AND PERCENT IN NEW MEXICO BY STATE AND COUNTY 1960

COUNTY	TOTAL POPULATION	WHITE SP. SURNAME	INDIAN	NEGRO	% SP-SURNAME TO TOTAL POP.	% INDIAN TO TOTAL POP.	% NEGRO TO TOTAL POP.
1. Bernalillo	262,199	68,101	3,378	4,652	26.00	1.3	1.8
2. Carton	2,773	755	37	30	27.2	1.3	1.1
3. Chavez	57,649	7,784	116	2,050	13.5	0.2	3.6
4. Colfax	13,806	5,535	15	75	40.1	0.1	.5
5. Curry	32,691	3,676	22	1,798	11.2	0.1	5.5
6. DeBaca	2,991	748	——	3	25.0	——	.1
7. Dona Ana	59,948	25,214	67	1,375	42.1	0.1	2.2
8. Eddy	50,783	11.224	39	1,047	22.2	0.1	2.1
9. Grant	18,700	8,820	10	94	47.2	*	.5
10. Guadalupe	5,610	4,068	1	7	72.5	*	*
11. Harding	1,874	497	——	1	26.5	——	*
12. Hidalgo	4,961	2,013	——	11	40.6	——	.2
13. Lea	53,429	2,555	44	2,624	4.8	*	4.9
14. Lincoln	7,744	2,240	45	19	34.6	.6	.2
15. Los Alamos	13,037	1,472	42	33	11.2	.3	.3
16. Luna	9,839	3,388	1	193	34.4	——	2.0
17. McKinley	37,209	4,521	21,104	346	12.2	56.7	.9
18. Mora	6,028	5,148	——	2	85.4	——	*
19. Otero	36,976	5,891	1,195	1,442	15.9	3.3	3.9
20. Quay	12,279	3,604	4	136	29.4	*	1.1
21. Rio Arriba	24,193	16,835	2,349	40	69.6	9.7	0.2
22. Roosevelt	16,198	1,024	10	50	6.3	*	0.3
23. Sandoval	14,201	4,538	5,941	8	31.9	41.9	*
24. San Juan	53,306	3,645	14,212	438	6.8	26.7	0.8
25. San Miguel	23,468	16,077	39	79	68.5	0.2	0.3
26. Santa Fe	44,970	24,400	842	235	54.3	1.9	0.5
27. Sierra	6,409	1,382	42	20	21.6	0.7	0.3
28. Socorro	10,168	4,761	619	47	46.8	6.0	0.5
29. Taos	15,934	11,015	980	55	69.1	6.2	0.3
30. Torrance	6,497	2,710	4	14	41.7	*	*
31. Union	6,068	1,472	2	2	24.3	*	*
32. Valencia	39,085	14,018	5,095	117	35.9	13.0	13
TOTAL	951,023	269,122	56.255	[illegible],063	28.3	5.9	1.8

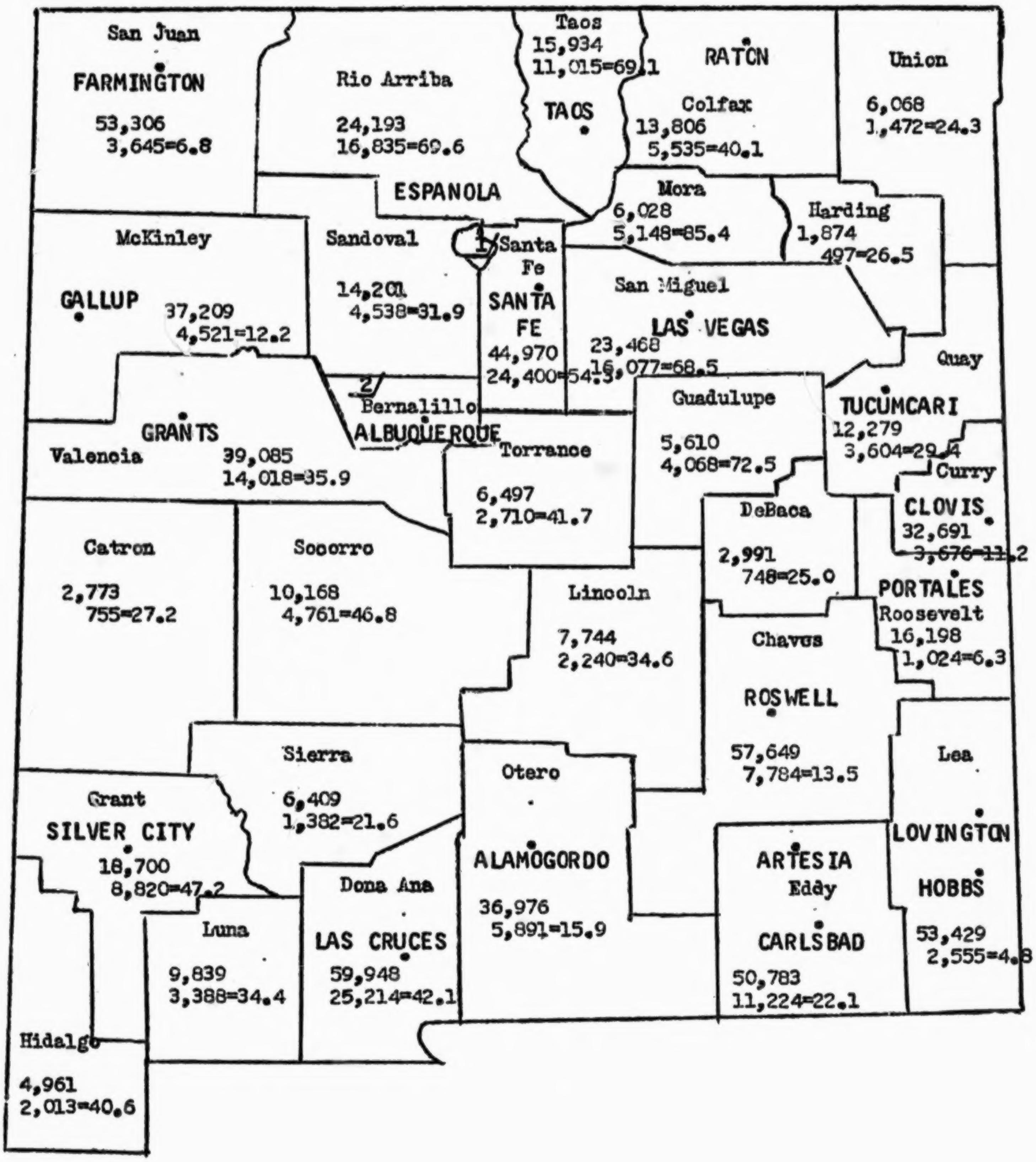
* Less than 0.1%

Source: United States Census of Population, 1960
U. S. Department of Commerce
Bureau of Census

Distribution of the Spanish Surname Population in New Mexico

In 1960, there were about 269,212 persons of Spanish Surname residing in the State of New Mexico and represented 28.3% of the population. Persons of Spanish Surname reside in all counties of the state. (See map on page 11 .) The percentage of the Spanish Surname varies from a high of 85.4% in Mora County to a low of 4.8% in Lea County. Guadalupe, Mora, Rio Arriba, San Miguel, Santa Fe and Taos Counties are the only six counties where Spanish Surname persons constitute more than 50% of the population. However, the highest numerical concentration of Spanish Surname persons is located in Bernalillo County with 68,101 or 25.3% of the total Spanish Surname population in the state. The Spanish Surname population had the smallest overall increase, an increase of 8.3%, from 1950 to 1960. The state overall population increase during the same period was 39.6%, and the White Anglo had an increase of 40.2%. This means that the percentage representation of the Spanish Surname population is decreasing. The percentage of decrease of Spanish Surname population from 1950 to 1960 is attributed mainly to out-migration. The most disturbing fact is that the out-migrants of Spanish Surname have been in the 20 to 40 age group which is usually considered the age of prime economic production. At the same time that the out-migration of Spanish Surname population of this age group was going on, the state was having a high in-migration of the same age group. Another important factor about the Spanish Surname population, related to employment, is that in most counties there was a substantial population increase in the age groups over 40 years of age. This means that New Mexico is being left with an older Spanish Surname population which has less economic potential because, generally, according to census figures, the older Spanish Surname population has less education, less skills and a lower income. Therefore, this older group becomes more dependent on means of support other than gainful employment. The effect of this situation on the economic condition of the state is obvious.

POPULATION - TOTAL AND SPANISH SURNAME, PERCENT SPANISH SURNAME TO TOTAL, BY COUNTIES: 1960



1/	Los Alamos County	13,037 1,472=11.2
2/	Bernalillo County	262,199 68,101=26.0

Distribution of the Indian Population in the State of New Mexico

The Indian population in the State of New Mexico is the third largest group referred to in this study. The 1960 census indicates that there were about 56,255 Indians residing in New Mexico comprising 5.9% of the state's total population. The Indian population is distributed in twenty counties throughout the state. McKinley, Sandoval, Valencia and San Juan Counties have the highest concentration of Indian population. These four counties account for 82.4% of the state's Indian population. Most of the Indian population resides on reservations which are mostly located in the northwestern quadrant of the state. McKinley County, with an Indian population of 21,104 or 56% of the county's population, is the only county in the state where the Indian population is greater than all other groups in the county. The Indian population showed a gain of 29.1% from 1950 to 1960. This gain compares favorably with the state's overall population gain of 39.6% during this period.

New Mexico has 18 Indian pueblos. Pueblo Indians are divided into three linguistic groups; Keresan, Zunian and Tanoan. The Tanoan linguistic group is further divided into three distinct tongues; Tiwa, Towa and Tewa. The languages are completely different and cannot be understood outside one's linguistic group. When working with this group, these differences should be kept in mind especially when asking for help in translation. The following information should provide a few basic facts about individual pueblos that can be used in identifying each pueblo and aid in planning programs to help them resolve employment problems:

ACOMA

Acoma Pueblo is located some 50 miles west of Albuquerque in Valencia County. The language of its inhabitants is Keresan. Acoma has a population of about 2,512 and is comprised of some 567 family groups.

COCHITI

Cochiti Pueblo is located in Sandoval County some 40 miles northeast of Albuquerque. This pueblo has a population of 655, comprised of some 181 family groups.

ISLETA

Isleta Pueblo about 13 miles south of Albuquerque in Bernalillo County is one of the least isolated pueblos. Its inhabitants speak Tiwa. They have a population of 2,356 consisting of 651 family groups. The economy of Isleta has traditionally depended on agriculture. However, in more recent times, many inhabitants have joined the labor force in Albuquerque and have manufactured pottery to sell.

JEMEZ

Jemez Pueblo is located 30 miles northwest of Bernalillo in Sandoval County. The Jemez people speak Towa, a dialect different from that spoken in any other pueblo. The total population of this pueblo is about 1,611 with about 345 family groups. Like other pueblos it is greatly dependent on agriculture.

LAGUNA

The language of the Laguna is Keresan. This community has about 1,379 families and a total population of 4,774. The outlying villages of Paguate, Mesita, Encinal, Paraje, Serna and Casâ Blanca are considered part of the Laguna Pueblo population. Laguna is 40 miles west of Albuquerque in Valencia County. The main sources of the Laguna Pueblo economy are urarium mining, agriculture and ranching.

NAMBE

Nambe is located near Santa Fe in Santa Fe County. It is a very small village with about 77 families and a total population of about 240. The inhabitants of Nambe speak Tewa.

PICURIS

Picuris Pueblo is located in Taos County some 20 miles south of Taos. Like Isleta, its residents speak Tiwa. Picuris has 44 families and a population of about 165.

SANDIA

Sandia Pueblo is located between the town of Bernalillo and Albuquerque in Sandoval County. The total population of the pueblo is 214 comprised of some 61 families. Many residents of the pueblo work in Albuquerque. The residents of Sandia speak Tiwa.

SAN FELIPE

San Felipe Pueblo is located about 12 miles northwest of Bernalillo in Sandoval County. The language of this pueblo is Keresan. San Felipe has about 1,442 inhabitants consisting of 284 family groups. Farming is the backbone of the pueblo's economy. However, many have learned modern skills and work in Albuquerque and Santa Fe.

SAN ILDEFONSO

San Ildefonso as most pueblos is situated on the Rio Grande about 20 miles northeast of Santa Fe in Santa Fe County. There are about 74 families with a total population of 286 persons.

SAN JUAN

San Juan is located in Rio Arriba County 5 miles north of Espanola. San Juan, the largest of the Tewa speaking pueblos. It has a population of 1,222 consisting of 340 family groups.

SANTA ANA

The pueblo of Santa Ana is located 8 miles northwest of the town of Bernalillo in Sandoval County. It has a population of about 430 comprised of 107 family groups. Agriculture is its main industry since the arts have about died out at Santa Ana.

SANTA CLARA

Santa Clara is another Tewa speaking pueblo. Santa Clara is located about one mile south of the town of Espanola. Santa Clara has 241 families and a total population of 759.

SANTO DOMINGO

The pueblo of Santo Domingo is located in Sandoval County 16 miles northwest of Bernalillo. The total population is 2,058 and consists of 445 family groups. This is another Keresan speaking group. Jewelry, pottery and agriculture are the main industries of Santo Domingo. However, in recent years more and more of Santo Domingo inhabitants make their living by working at varied occupations in Santa Fe and Albuquerque.

TAOS

Taos Pueblo is located 4 miles north of Taos in Taos County. Its people speak Tiwa. There are some 393 family groups residing in the pueblo for a total population of 1,439. Its main industries are farming, ranching and tourism.

TESUQUE

The residents of Tesuque speak Tewa. It is a small pueblo with 68 family groups and a total population of 220. This pueblo is located 10 miles north of Santa Fe in Santa Fe County.

ZIA

Zia is a Keresan pueblo located 18 miles north of Bernalillo in Sandoval County. Zia has a total population of 494 comprised of 97 family groups. Zia residents depend on farming and the grazing of sheep and goats for their livelihood.

ZUNI

Zuni is located 40 miles south of Gallup in McKinley County. The latest census shows 741 families with a total population of 3,708. Farming, pottery and jewelry making are its main industries.

APACHE INDIANS

The Apache reside in two reservations, one the Jicarilla Reservation which is located in northern Rio Arriba and Sandoval Counties with the administrative agency at Dulce. There are some 200 families or a total population of 1,183 residing on 767,000 acres. The second group is the Mescalero Apache. This group has a 460,177 acre reservation on which 300 families reside with a total population of 1,245. Both groups derive income from timber and livestock. The Jicarilla derives a substantial income from leases of oil and gas located on their land.

NAVAJO INDIANS

There are some 5,000 Navajo families with a population of apporximately 30,000 residing in New Mexico. The Navajo reservation is located in northwestern New Mexico, northeastern Arizona and southeastern Utah and covers an area of 16,000,000 acres. Three Navajo groups live off of the reservation: 848 reside near Ramah in Valencia County; 919 reside at Canoncito 25 miles west of Albuquerque; and 807 at Alamo 35 miles northwest of Magdalena in Socorro County.

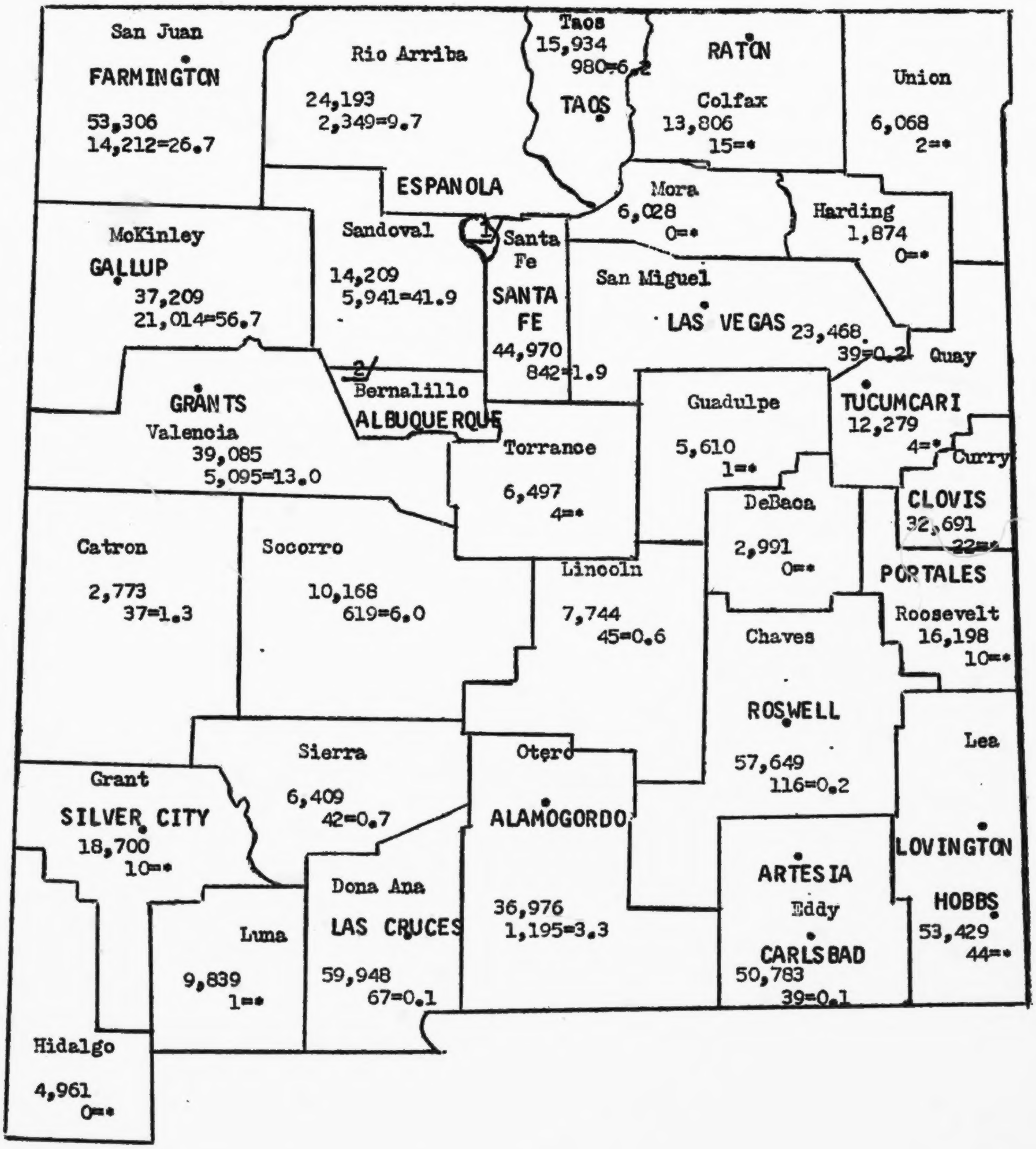
The Navajo has several sources of income: agriculture, stock raising, lumbering, arts and crafts and mineral resources; chiefly uranium, oil and gas.

UTE INDIANS

The Shoshonean speaking Ute Indians reside on a reservation that is mostly located in Coloardo but extends into northern San Juan County in New Mexico. The Ute reservation has a population of some 1,350 with an undetermined number residing in New Mexico.

SOURCE: United Pueblos Agency Census, January, 1966.

POPULATION - TOTAL AND INDIAN, PERCENT INDIAN TO TOTAL, BY COUNTIES: 1960

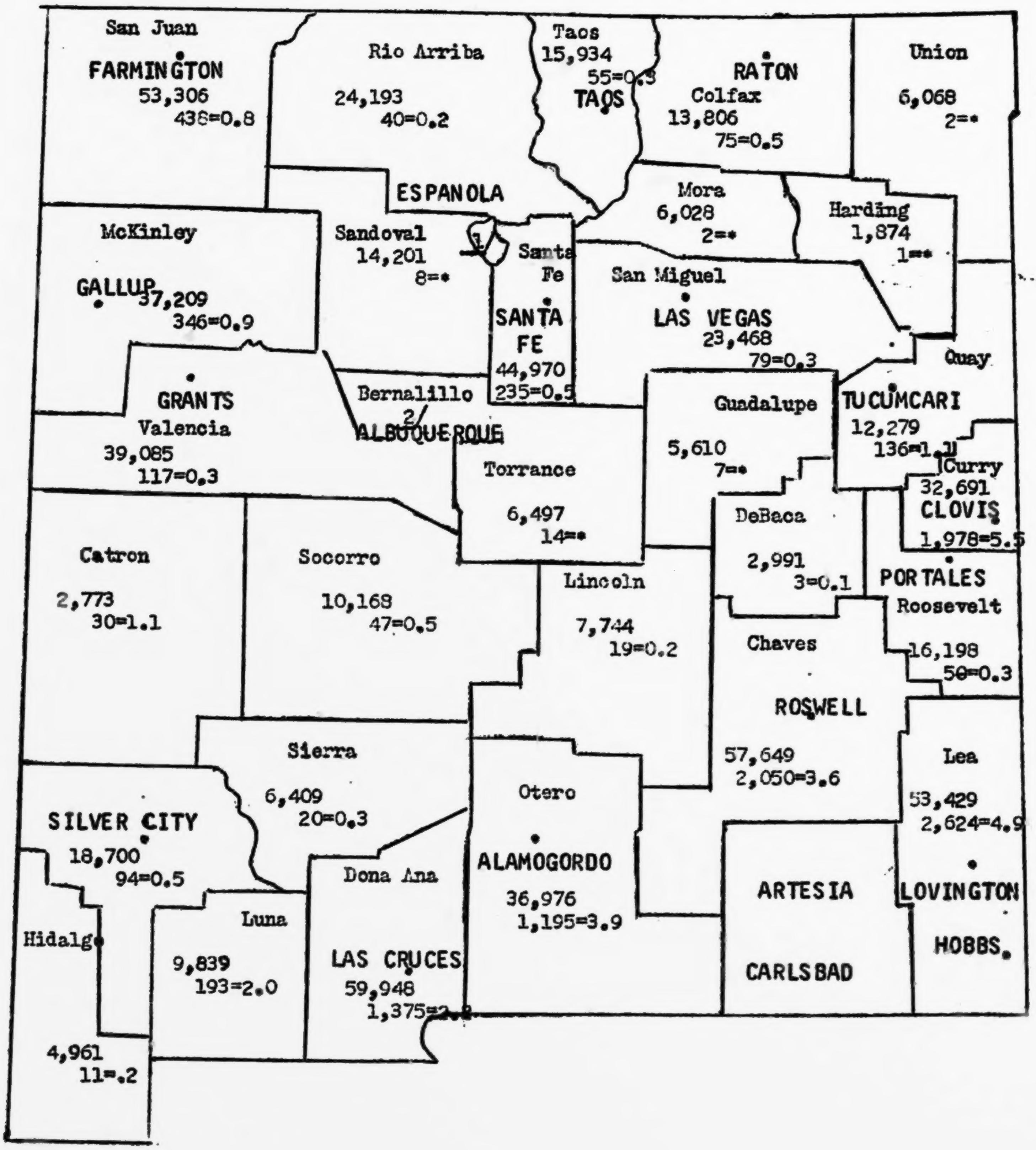


1/	Los Alamos County	13,037 42=0.3
2/	Bernalillo County	262,199 3,378=1.3
*	Less Than 0.1 Percent	

DISTRIBUTION OF THE NEGRO POPULATION IN THE STATE OF NEW MEXICO

The State of New Mexico has a relatively small Negro population. There were about 17,063 Negroes in the state in 1960 which represents 1.8% of the total population. Even though, the Negro population represents the smallest percentage of the minority groups referred to in this study, this group had the greatest population gain during the period 1950 to 1960, a gain of 102.9%. Curry County had the highest percentage of Negroes with 5.5%. However, Bernalillo County has the highest numerical concentration with 4,652 Negroes residing there. Only 10 counties in the state have a Negro population of over 1.0%, but all counties have some Negroes. (See map on page 19 .)

POPULATION - TOTAL AND NEGRO, PERCENT NEGRO TO TOTAL, BY COUNTIES: 1960



1/ Los Alamos County - 13,037
33=0.3

2/ Bernalillo County -262,199
4,652=1.8

* Less than o.1%

CHAPTER III

EMPLOYMENT AND INCOME

UNEMPLOYMENT RATES IN NEW MEXICO

It is difficult to present comparative data on unemployment rates in New Mexico for all the groups identified in this study because the State of New Mexico Fair Employment Practice Act does not permit the keeping of records by race, color, creed or national origin.

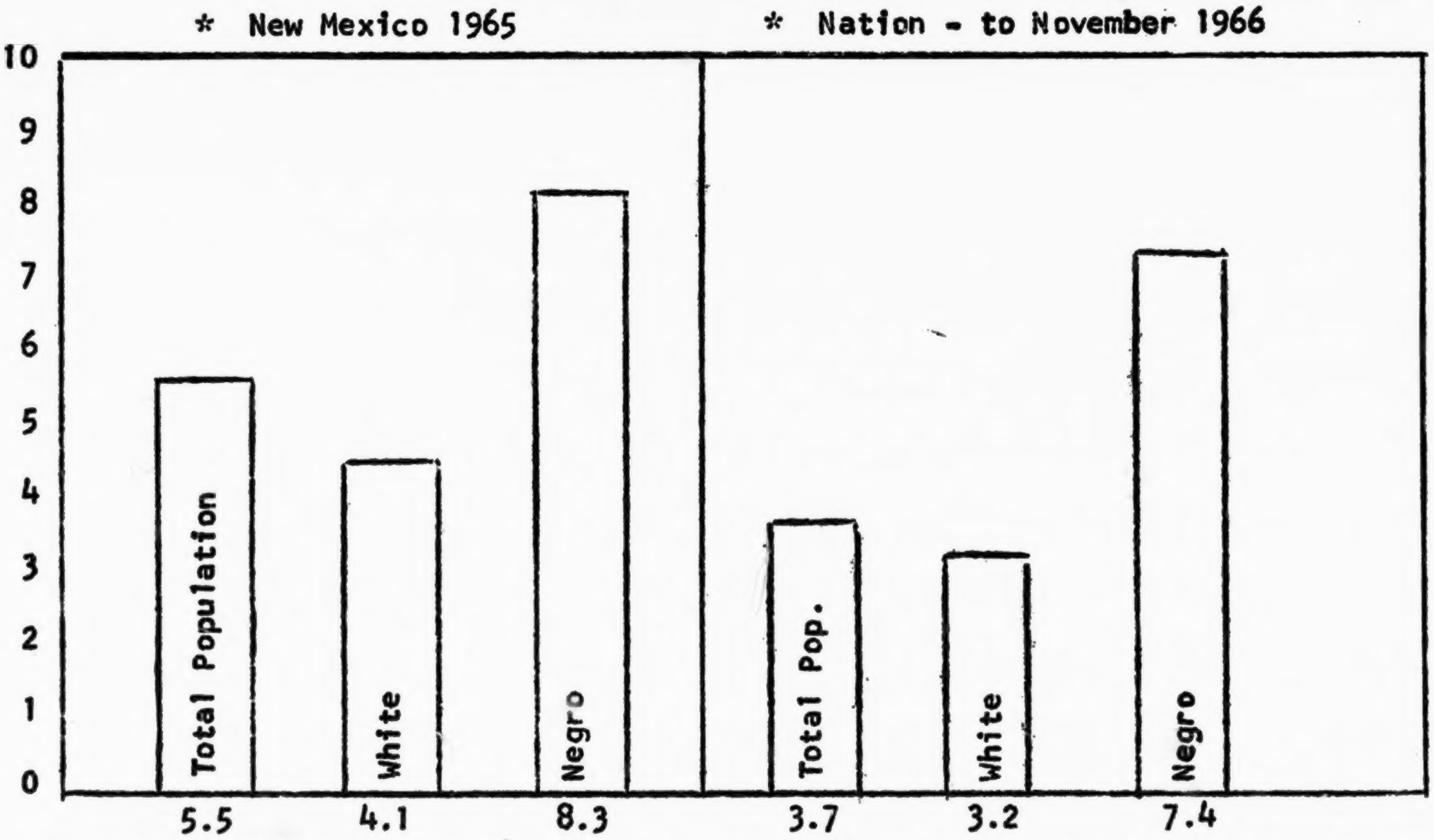
The tables on the following page contain unemployment rates for the nation and New Mexico. In 1965, the unemployment rate in New Mexico, for the White population, was 4.1% and for the Negro it was 8.3% or more than two times that of the White. Nationally, in November of 1966, the unemployment rate for Whites was 3.2% and for Negroes it was 7.4%, as in the state, the national figures show the Negro jobless rate at more than twice that for the White.** In 1960, the unemployment rate in New Mexico for Anglo-White was 5.5%, for the White Spanish Surname it was 10.3% and for nonwhites it was 13.6%. Here again, the unemployment for the White Spanish Surnames and nonwhites was almost twice for the former and more than twice as much for the latter.

This information strongly indicates that even though the percentage of unemployment, at present, is lower for all groups than in 1960, proportionatly, the disparity in employment between Whites and other groups remains nearly the same. That is, the jobless among minority groups are still more than twice as many than in the majority group as was in 1960.

* Source: 1966 Manpower Report to the President

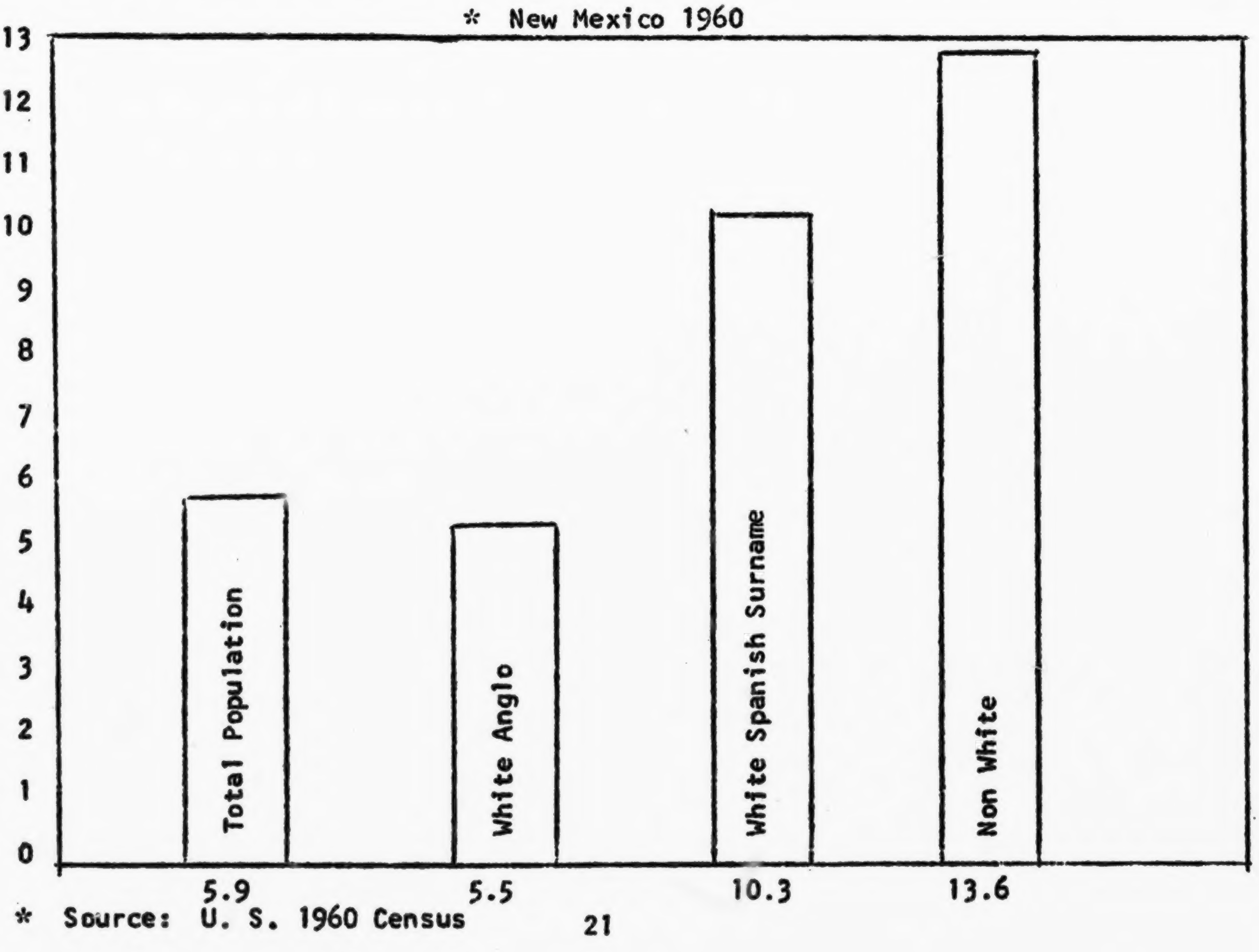
** Source: News Digest - U. S. Department of Labor - Week of December 12, 1966

UNEMPLOYMENT RATES: TOTAL BY COLOR AND WHITE SPANISH SURNAME IN THE STATE OF NEW MEXICO



* Source: 1966 Manpower Report to the President

* Source: News Digest-U. S. Dept. of Labor-Week of December 12, 1966



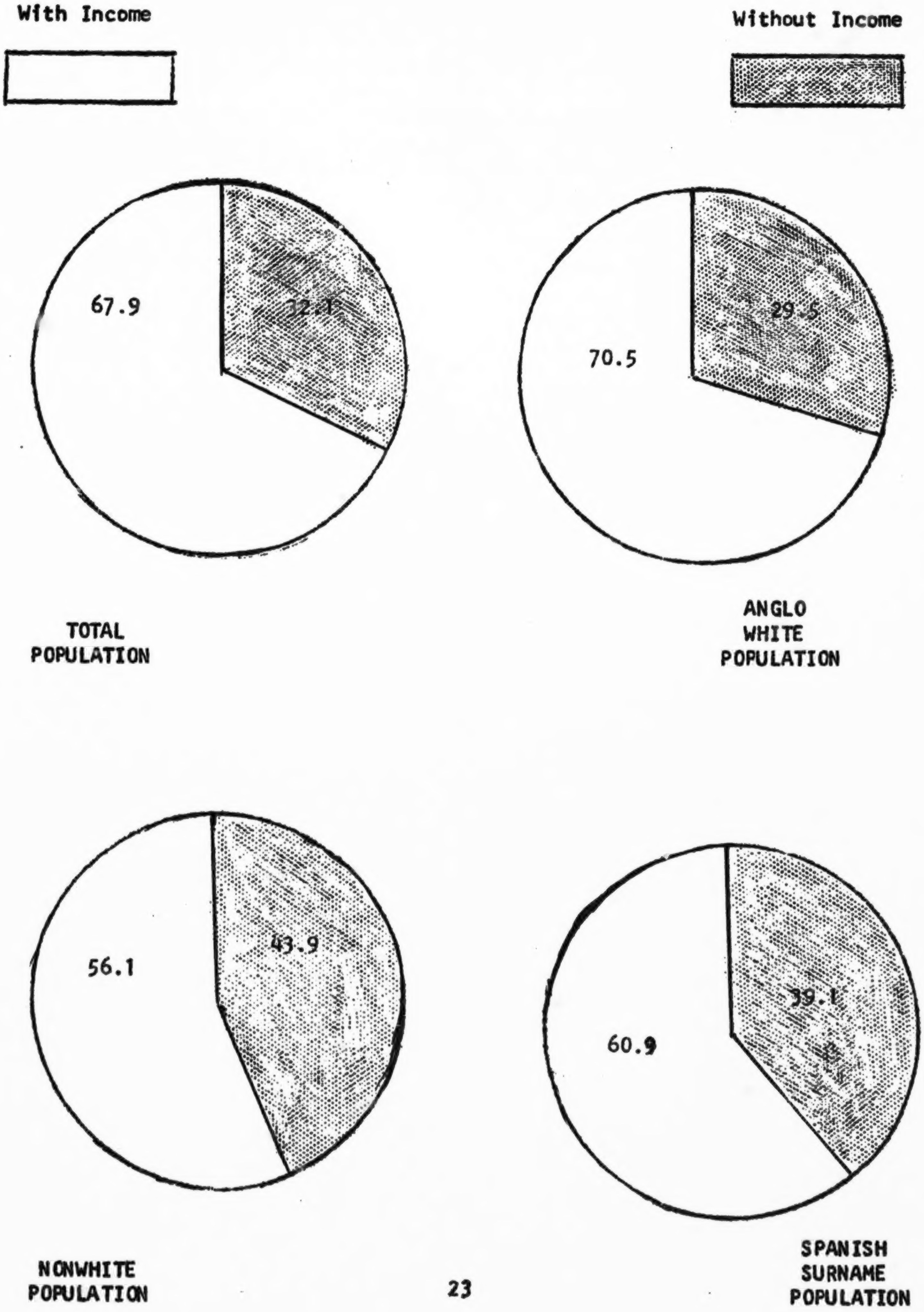
* Source: U. S. 1960 Census

PERSONS WITH AND WITHOUT INCOME BY COLOR AND SPANISH - SURNAME FOR THE STATE OF NEW MEXICO

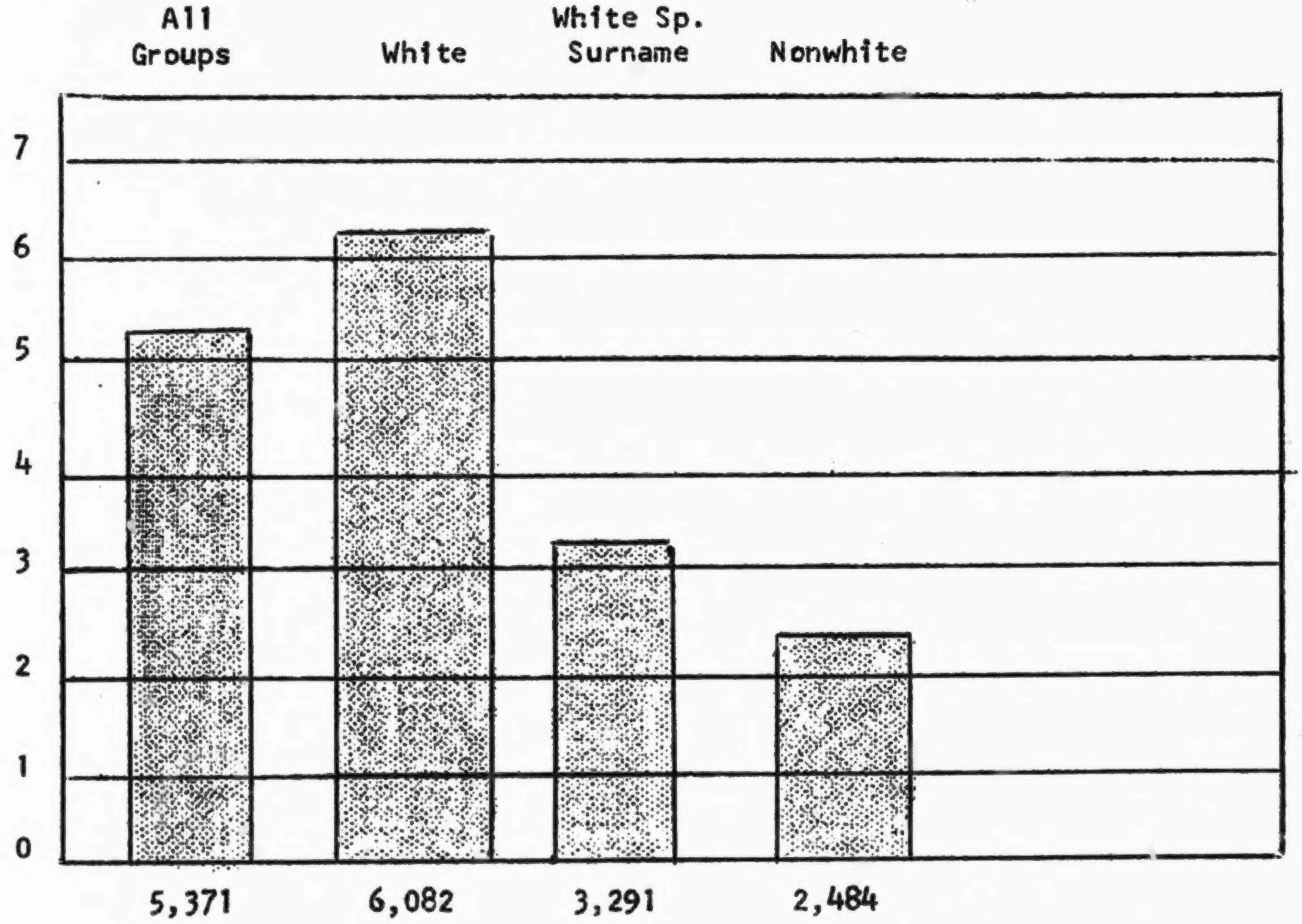
In 1960 some 67.9% of the persons in New Mexico had some income and 32.1% didn't have any income. The Anglo White population had the highest percent of persons with income, 70.5% and lowest percentage of persons, 29.5%, with no income. The nonwhites had the lowest percentage of persons with income, 56.1% or 14.4% less persons with income than the white. Nonwhites also have the highest percentage of persons without income, 43.9% or 14.4% more persons without income than the white group. The picture for the Spanish Surname persons with and without income is a little better than that of the nonwhite, but both the Spanish Surname and nonwhite have a long way to go to reach an equitable representation in the labor force with income considering the present representation of the Anglo White group in the labor force with income. See charts on following page.

* 1960 U. S. Census

PERSON WITH AND WITHOUT INCOME BY COLOR AND SPANISH SURNAME FOR THE STATE OF NEW MEXICO



MEDIAN FAMILY INCOME BY WHITE-ANGLO, COLOR
AND SPANISH SURNAME FOR STATE OF NEW MEXICO



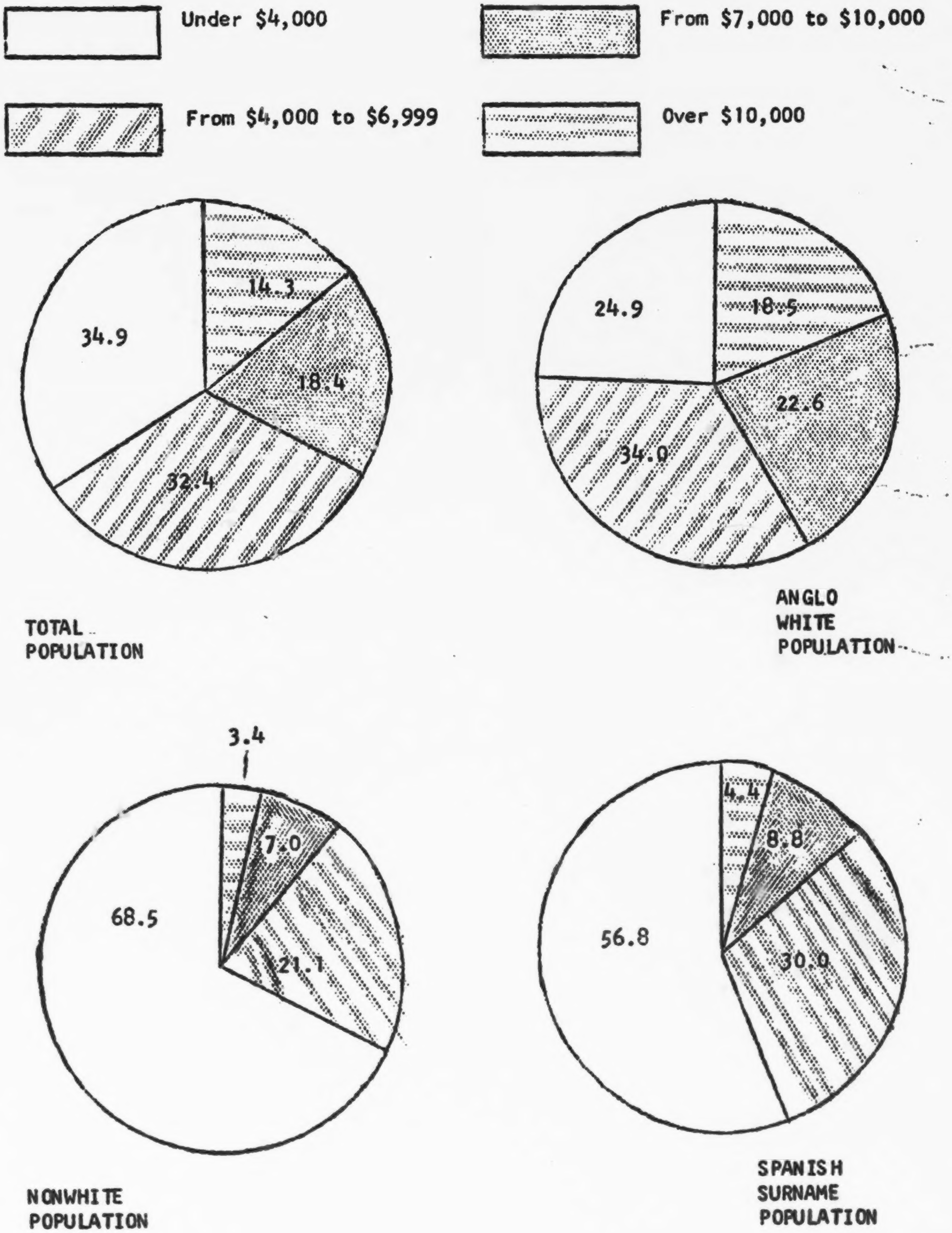
The median family income of white families is almost twice as much as that of Spanish Surname families and more than twice as much as the income for non-white families.

To keep evaluation in proper prospective it should be kept in mind that the family income figure of $6,082 includes the median family income figure of Spanish Surname families which is $3,291 so, if the income data on the Spanish Surname families is removed from the total white population, the family income for the white families would be higher. The family income data for non-whites, applies mainly to the Indian and the Negro families since they comprise the major portion of all but 0.2% of all the non-white families in the State of New Mexico.

FAMILY INCOME BY COLOR AND SPANISH SURNAME FOR THE STATE OF NEW MEXICO

Family income for minority families in the State of New Mexico, can be a very serious problem in terms of preparing family members for employment. Non-white families had the highest percentage of families with incomes less than $4,000 per year, 68.5%. The picture for Spanish Surname families is not very much better since 56.8% of these families have an income of less than $4,000 per year. While in the White-Anglo group only 24.9% of the families earn less than $4,000 per year or 43.6% less than non-whites and 31.9% less than Spanish Surname. In the $4,000 to $6,999 income level white families hold an edge in the percentage of families in the group, but the distribution is more equitable. However, in the next two income groups of $7,000 to $10,000 and $10,000 per year and over, many more majority group families than minority group families are represented at these income levels, with the greatest disparity occurring at the over $10,000 a year family income level. At this level, almost five times as many more majority group families than minority group families are represented.

FAMILY INCOME BY ANGLO WHITE, COLOR AND SPANISH SURNAME FOR THE STATE OF NEW MEXICO



EMPLOYMENT, INCOME AND EDUCATION

Despite having equal education non-whites earn less than whites in the State of New Mexico. This holds true for all levels of educational attainment, that is, from elementary school graduation through college graduation. The inequity of income between whites and non-whites, is not entirely one of education. Other factors seem to prevent minority group members from obtaining jobs and salaries similar to majority group members with the same educational attainment. There is a definite problem in the area of "Pay commensurate with education in New Mexico." Over 2/5 of the white college graduates in the State of New Mexico earn over $7,000 per year, while only 1/8 of the non-white college graduates earn the same amount. This is a ratio of about 2½ white college graduates to one non-white college graduate who earn over $7,000 per year. The same disparity exists at all levels of educational attainment. For example, of those whites with 8 grades of school completed, 9.6% reached the $7,000 a year income level, while non-whites, with the same number of school years, only 1.7% reached the $7,000 a year income level. The problem at the 8 years of education completed level is even greater than at the college level for non-whites. At this grade level four whites to one non-white reached the $7,000 a year income level. This is the area where extensive work can be done to promote equal employment opportunity. It might be well to discuss with employers this type of information in our promotional programs.

MEDIAN ANNUAL INCOME OF PERSONS 25 YEARS OF AGE OR OVER BY COLOR AND YEARS OF EDUCATION COMPLETED IN THE STATE OF NEW MEXICO

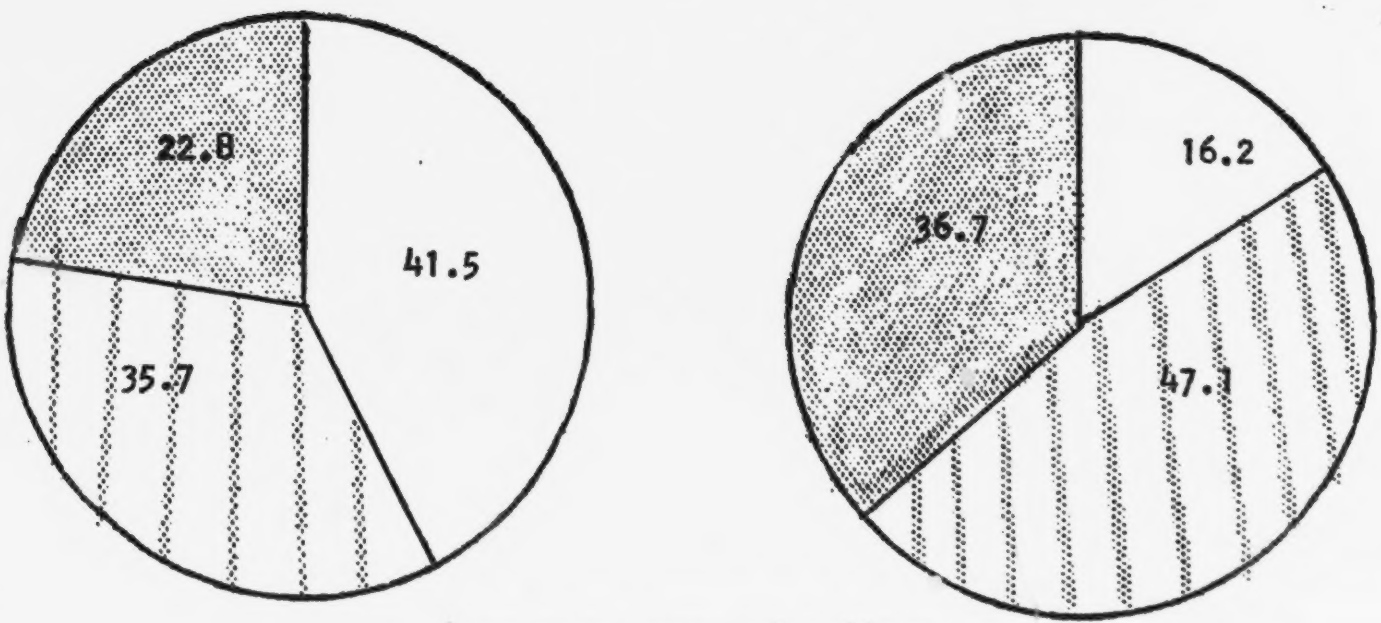
LEGEND:

▩ Under $4,000

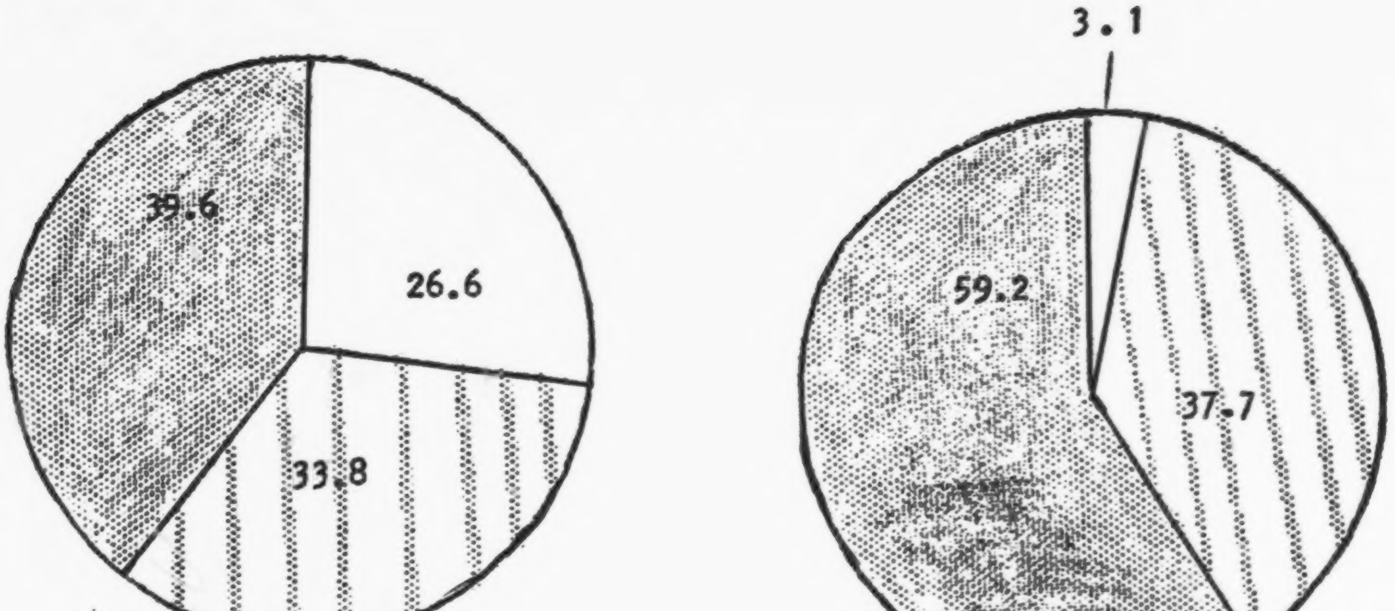
▥ $4,000 to $7,000

☐ Over $7,000

WHITE **NONWHITE**

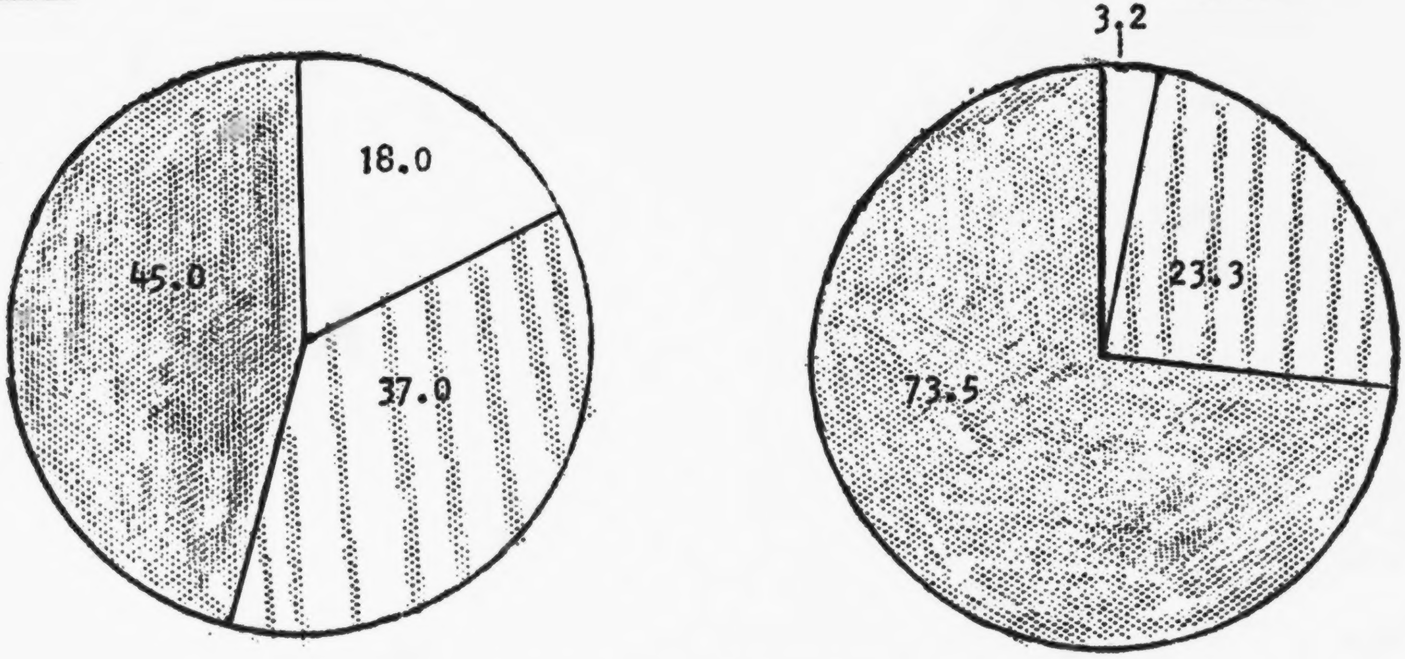


4 or more years of college

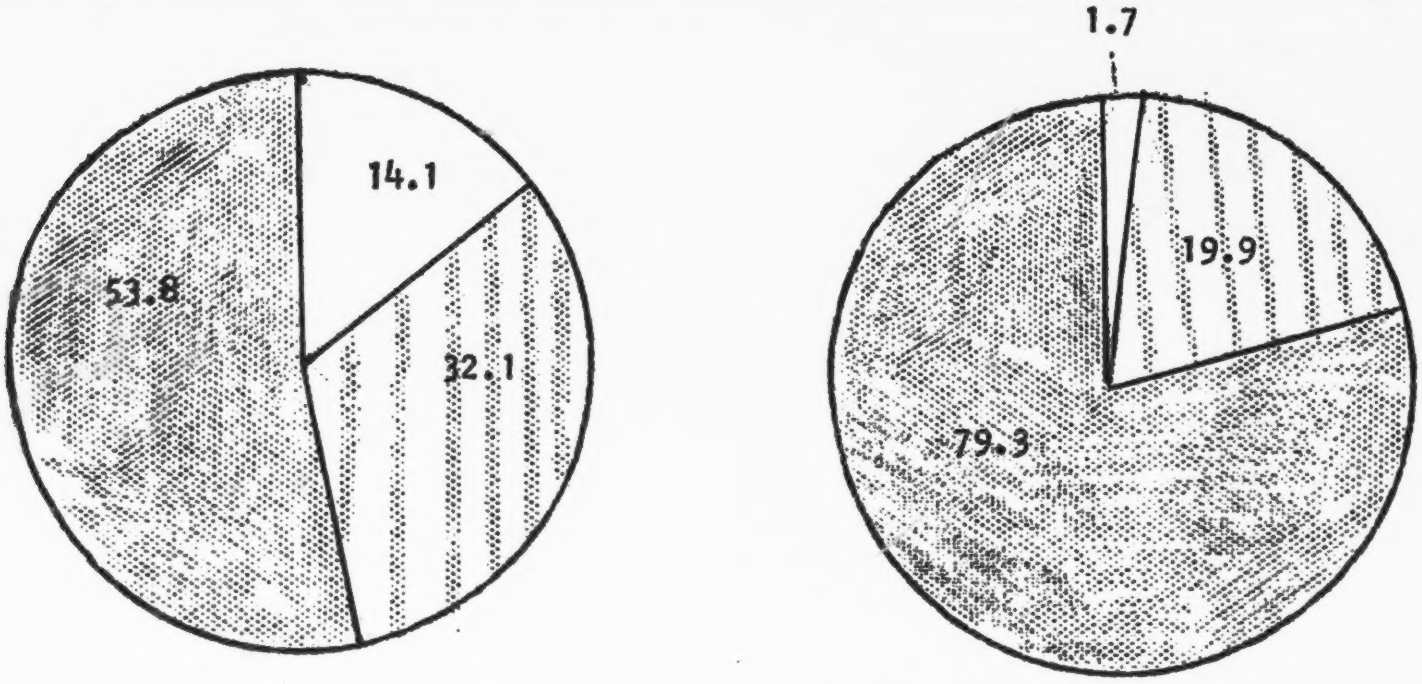


1 to 3 years of college

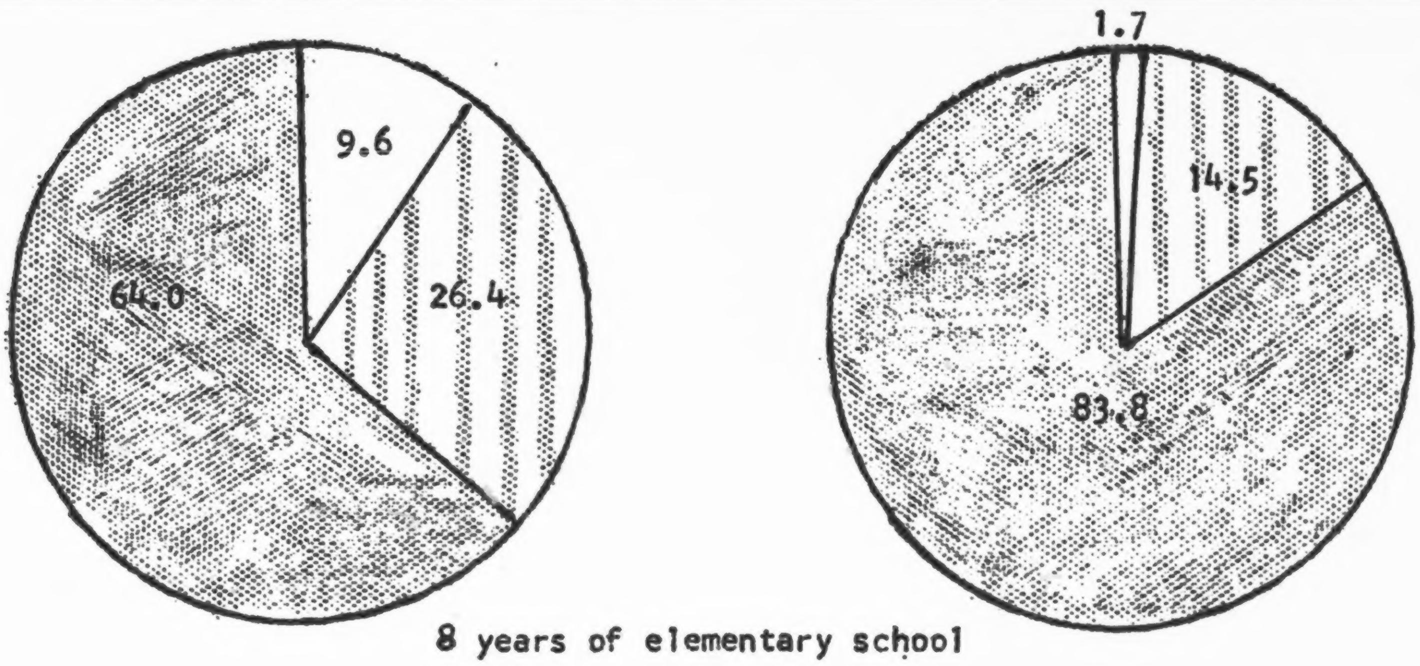
WHITE **NONWHITE**



4 years of high school



1 to 3 years of high school



8 years of elementary school

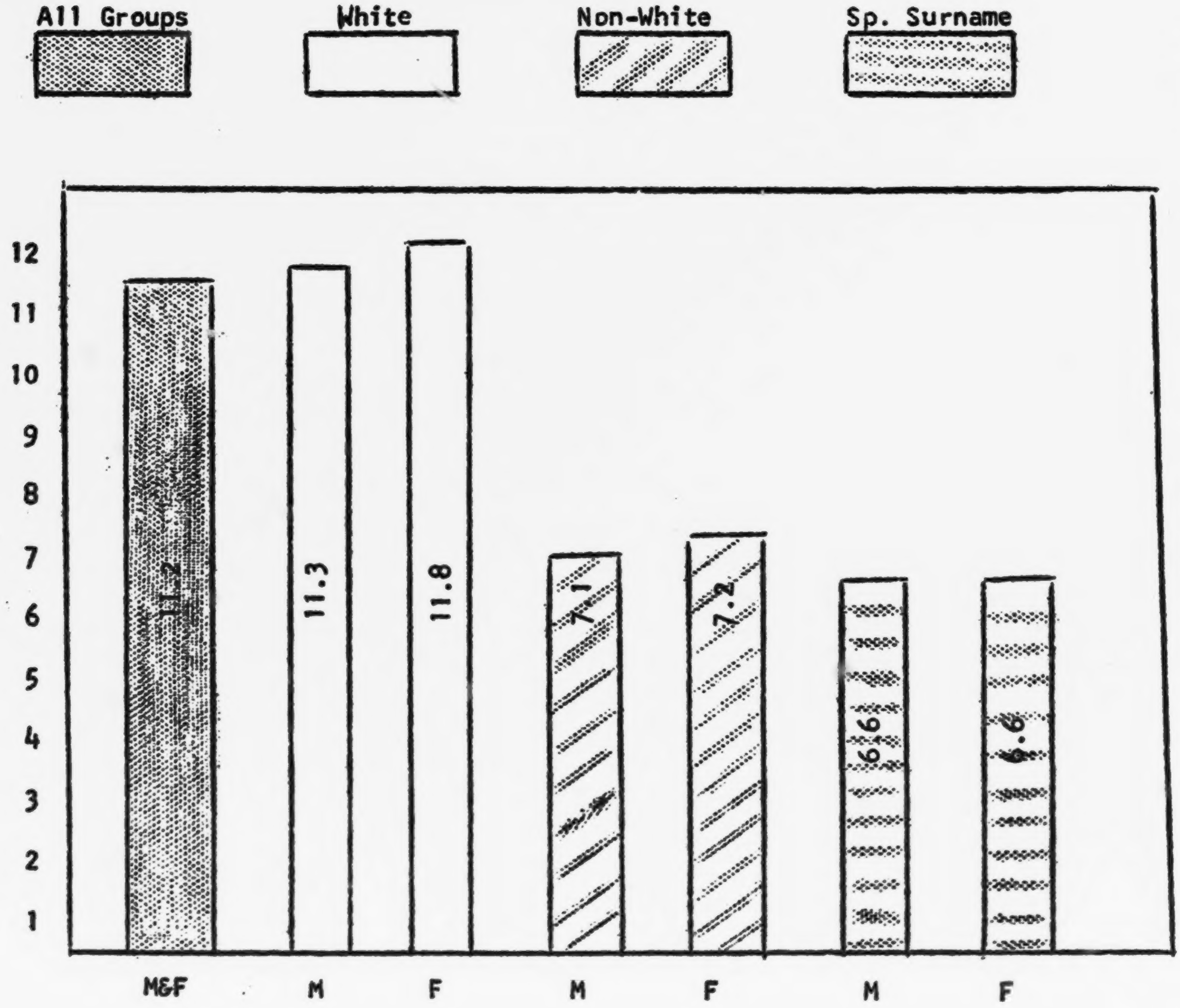
MEDIAN YEARS OF SCHOOL COMPLETED

In New Mexico the number of school years completed is higher among Whites than Negroes or Whites of Spanish Surname.

The figures and percentages on the following tables merely reflect gross figures of years of school completed and do not give any indication about the application of such education. Nationally, it has been estimated that there are 22 million functional illiterates over 25 years of age. A functional illiterate is defined as one who does not have the ability to read and write well enough to hold a job where these requirements are minimal.

The table on the following page, which indicates the median educational level of around 7th grade for non-whites and 6.6 grade for Spanish Surname persons suggests that many individuals in the two groups do not meet the minimal requirements to hold a job.

MEDIAN YEARS OF SCHOOL COMPLETED BY COLOR AND SPANISH SURNAME FOR PERSONS 25 YEARS AND OVER



MEDIAN SCHOOL YEARS COMPLETED BY PERSONS 25 YEARS OLD AND OVER BY COLOR, SPANISH SURNAME AND COUNTY

Data on education is limited mainly to median years of school completed. The median educational level of groups varies from county to county. Los Alamos County has the highest educational level with 13.9 median school years completed by males and 12.8 median school years completed by females for all groups. Mora County has the lowest median years of education completed by all groups, with 7.2 for males and 7.4 for females. In contrast, the Spanish Surname group has the highest median educational level in Santa Fe with a level of 8.8 and the lowest in Eddy County, with a 4.1 educational grade level. The non-white groups had the highest educational level in Bernalillo, 10.9 for both males and females. The lowest educational level was in McKinley County, for non-whites, where the education grade level was at the 1.0 for males and females. Looking at non-white groups closer, some further observations can be made. The lowest educational grade levels for non-white groups occurs in McKinley (1.0) and San Juan County (1.9). In these two counties the Indian makes up the vast majority of the non-white group, 98.0% in McKinley County and 96.9% in San Juan County. By contrast, in Chaves County, where the vast majority of the non-white population is Negro (91.3%) the educational level of the non-whites was 10.1%. This pattern follows through other counties and it appears that the Indian group has the most significant educational problem and should be evaluated carefully when providing services to this group.

MEDIAN SCHOOL YEARS COMPLETED BY PERSONS 25 YEARS OLD AND OVER BY COLOR, SPANISH SURNAME BY COUNTY

COUNTY		ALL GROUPS		WHITE SPANISH SURNAME	NONWHITE
		M	F	M and F	M and F
1.	Bernalillo	12.3	12.2	8.7	10.9
2.	Catron	8.6	10.4	---	----
3.	Chaves	11.7	12.0	5.9	10.1
4.	Colfax	9.1	10.5	8.1	----
5.	Curry	11.4	11.6	6.8	9.4
6.	De Baca	8.7	10.3	---	----
7.	Dona Ana	10.3	10.3	5.8	10.7
8.	Eddy	10.2	11.1	4.1	7.9
9.	Grant	9.0	9.9	7.0	----
10.	Guadulpe	7.7	8.3	6.8	----
11.	Harding	9.9	11.9	---	----
12.	Hidalgo	9.2	10.6	---	----
13.	Lea	11.1	11.7	5.0	8.0
14.	Lincoln	9.4	11.0	---	----
15.	Los Alamos	13.9	12.8	---	----
16.	Luna	9.8	10.3	6.5	----
17.	McKinley	8.5	8.3	8.4	1.0
18.	Mora	7.2	7.4	6.5	----
19.	Otero	12.2	12.1	7.6	10.0
20.	Quay	9.0	10.7	6.7	----
21.	Rio Arriba	8.0	8.2	6.8	8.8
22.	Roosevelt	10.3	11.3	---	----
23.	Sandoval	8.1	8.1	7.3	5.8
24.	San Juan	11.0	11.2	8.5	1.9
25.	San Miguel	8.2	8.1	6.8	----
26.	Santa Fe	11.4	12.0	8.8	9.9
27.	Sierra	8.6	9.8	---	----
28.	Socorro	8.9	8.9	7.2	----
29.	Taos	8.1	8.4	7.3	8.9
30.	Torrance	8.5	8.9	6.1	----
31.	Union	9.8	10.6	---	----
32.	Valencia	10.0	10.3	8.3	8.6

Source: 1960 Census

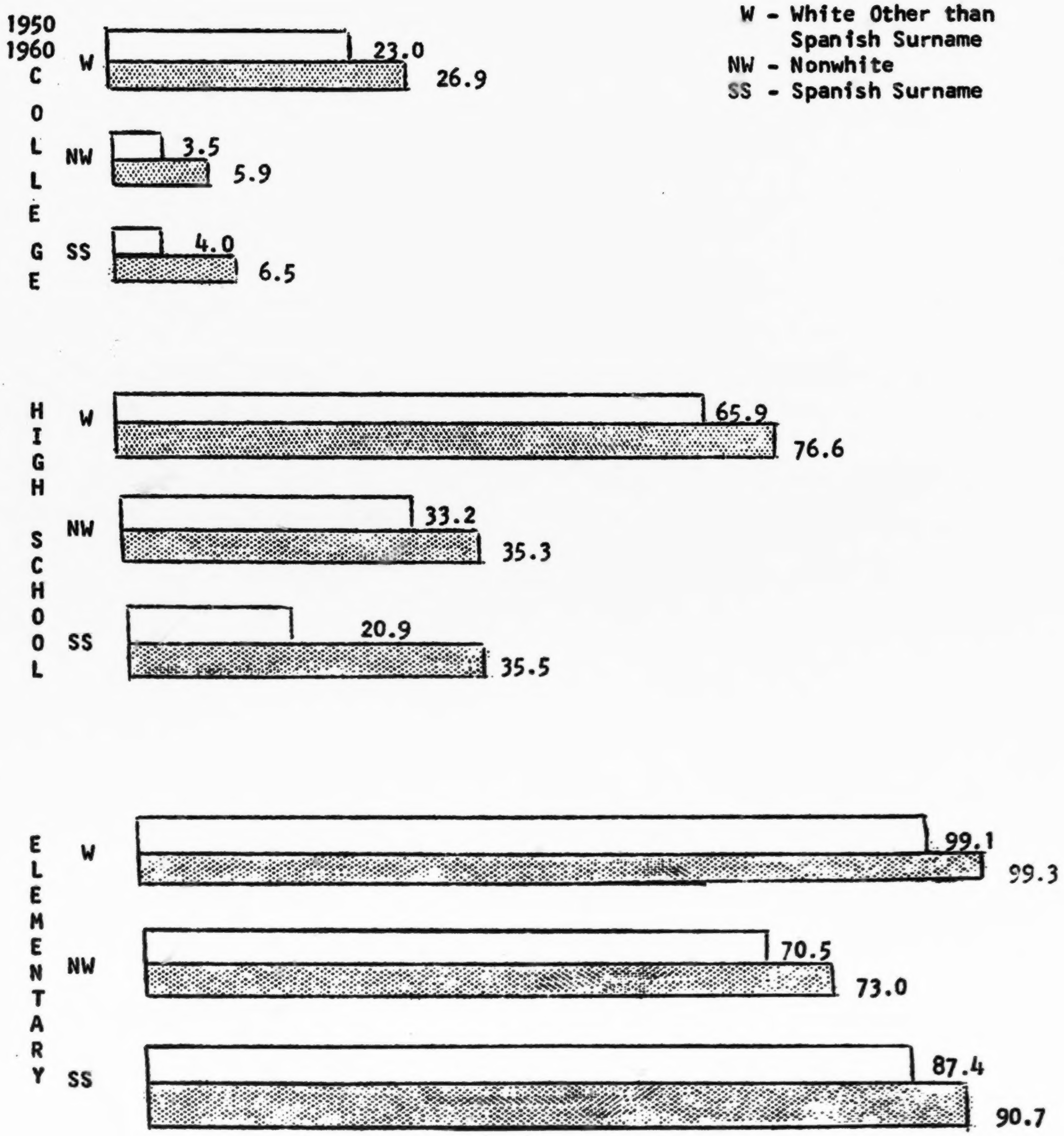
EDUCATIONAL - PROGRESS

Progress is being made by minority groups in the area of education. A comparison of the 1950 and 1960 education-achieved figures clearly indicates that minority groups are raising their educational levels at a rate, in some cases, in excess of the White-Anglo population. For example, the white population raised the level of those who have had some high school education, 10.7% from 65.9% to 76.6% between 1950 and 1960. The Spanish Surname raised their level from 20.9% to 35.5% or 14.6%. If this rate of advancement in education by minority groups continues, the gap in education level between the Anglo-White and minority groups will narrow and will become less of a problem in employment. Even though advancement is being made, education will remain a problem for many generations, especially at the high school and college level. At high school level no minority group has achieved a level where 36.0% of its members have obtained some high school, while the White-Anglo population has achieved a level where 76.6% of its members have had some high school. Another major problem exists at the college completed level where a broad gap exists between the groups. In 1960 in the State of New Mexico, 26.9% of the Anglo-White population had some college or more, while only 5.9% of the non-white population and 6.5% of the Spanish Surname had some college. This leaves a gap of more than 20.0% between majority group members and minority groups with some college education. These facts strongly indicate, as illustrated before, that education at all levels is becoming more and more a prerequisite for employment. These facts,coupled with the lack of equal opportunity in employment for those minority group members that do have the education should clearly define the employment problems of these groups in the State of New Mexico. If services to minorities by the employment service are to be meaningful, these problems have to be considered by all individuals furnishing employment services and a realization should come to bear that minorities, in most cases, need more pre-referrals services by our local offices than do members of the majority group.

YEARS OF SCHOOL COMPLETED
BY COLOR AND SPANISH SURNAME,
FOR PERSONS AGE 25 AND OVER
STATE OF NEW MEXICO: 1960

YEARS OF SCHOOL	WHITE		NONWHITE		SPANISH SURNAME	
	No.	%	No.	%	No.	%
None	2,084	.7	7,661	27.0	9,929	9.3
1 - 4	9,148	3.0	3,457	12.2	21,761	20.3
5 - 7	24,656	7.9	4,589	16.1	24,362	22.7
8	36,348	11.8	2,669	9.4	15,181	14.2
9 - 11	60,424	19.5	4,556	16.1	15,622	14.6
12	93,305	30.2	3,783	13.3	13,338	12.4
13 - 15	43,280	14.0	975	3.4	3,899	3.6
16 & Over	39,753	12.9	655	2.5	3,068	2.9
Median Educational Level		11.3		7.1		6.6
8th Grade and Over	273,110	88.4	12,638	44.7	51,108	47.7
Some High School & Over	236,762	76.6	9,969	35.3	35,927	33.5
College and Over	83,033	26.9	1,630	5.9	6,967	5.5

COMPLETED EDUCATION BY COLOR AND SPANISH SURNAME OF PERSONS 25 YEARS OF AGE AND OVER IN THE STATE OF NEW MEXICO: 1950 AND 1960



* Percents include all persons in each group who have completed any college, high school or elementary school.

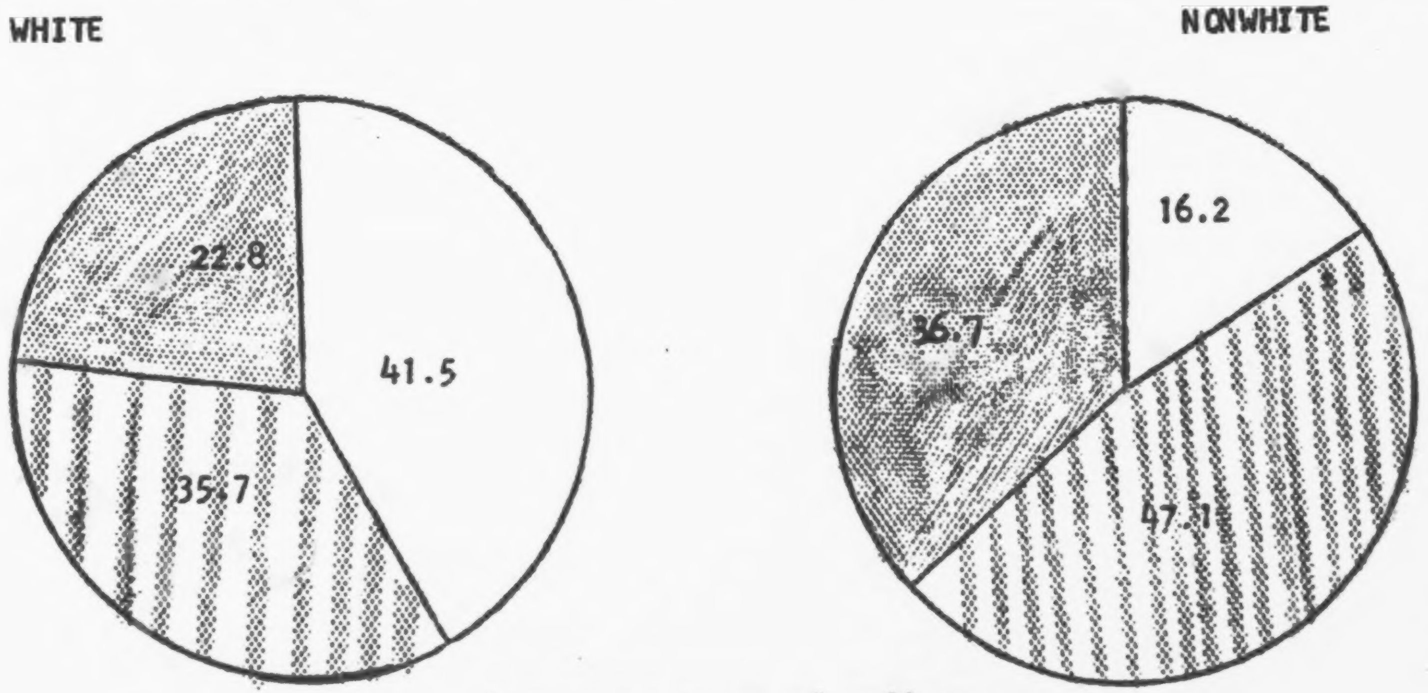
YEARS OF SCHOOL COMPLETED IN RELATIONSHIP TO INCOME AND EMPLOYMENT

The White Non-Spanish Surname has the highest percentage of college graduates, 12.9% and the lowest percentage of individuals without any formal education, .7% in the State of New Mexico. The non-white group has the highest percentage of individuals without any formal education, 27.0% while it has the lowest percentage of college graduates, 2.5%. Although, the non-white population has the lowest educational level in the state, the Spanish Surname population is much in the same situation with 9.3% of its individuals with no formal education and only 2.9% with a college education or better. (See Table)

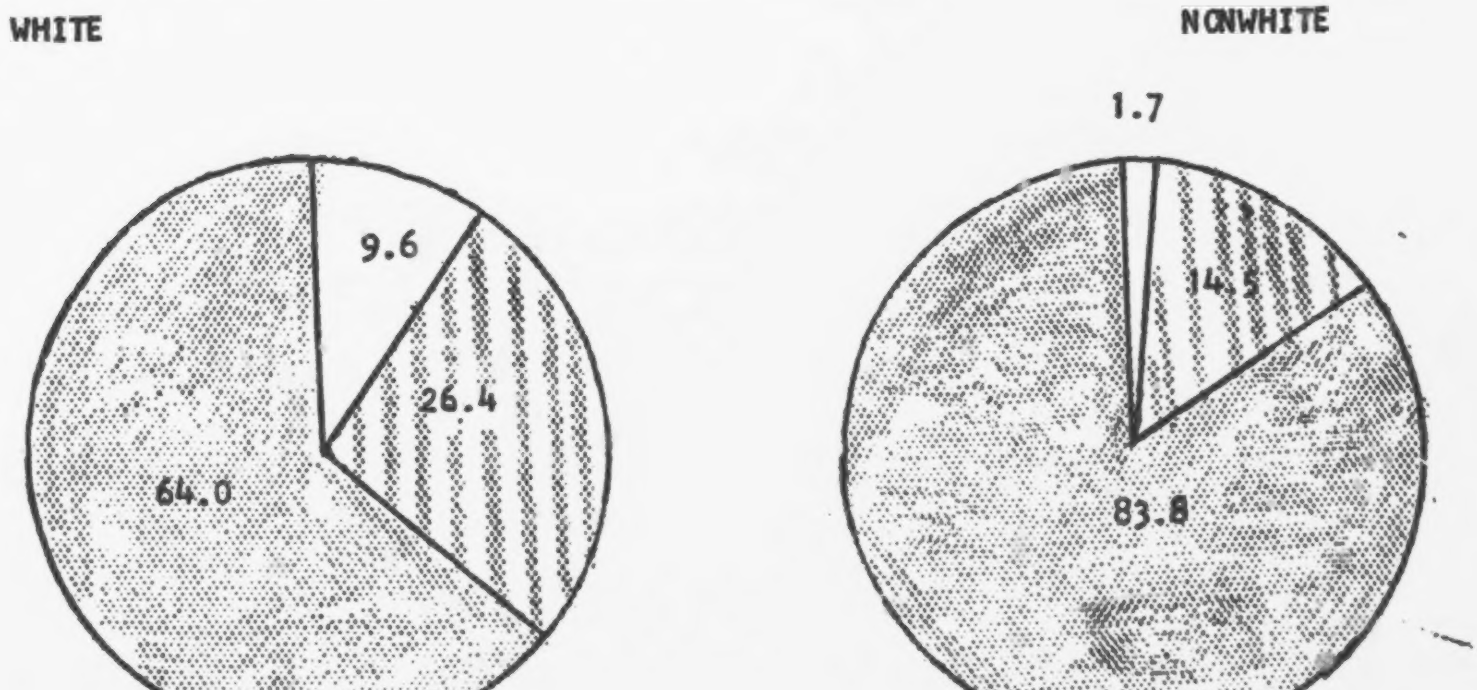
These figures clearly demonstrate the comparative lack of education of the non-white and Spanish Surname groups in the state. What effect does lack of education have on these groups? Studies have established a relationship between education and income which indicate that a higher education usually means a higher level of income. This point is documented in many studies and the one included in this publication is based on the 1960 census, which indicates that 22.8% of the white college graduates had incomes of under $4,000 per year while 41.5% had incomes over $7,000. In these same groups, those with only an 8th grade education, 64.0%, earned less than $4,000 while only 9.6% earned more than $7,000. Here is a clear example of the higher the education, the higher the possibility for better incomes. In recent years, educational requirements to find and hold a job have risen fast. From 1952 to 1962, the jobs requiring 16 years or more of education increased by 67%, jobs requiring education beyond high school by 40%. The trend of higher educational requirements for jobs possesses a very distrubing problem to the non-white groups with 64.7% of its individuals with less than 12 grades of school completed and 64.5% of the Spanish Surname individuals with less than a completed high school education.

YEARS OF EDUCATION COMPLETED OF PERSONS 25 YEARS OF AGE OR OVER BY COLOR AND ANNUAL INCOME IN THE STATE OF NEW MEXICO

LEGEND: ▩ Under $4,000 ▥ $4,000 to $7,000 ☐ Over $7,000



4 or more years of college



8 years of elementary school

CHAPTER V

CIVIL RIGHTS LEGISLATION

FEDERAL CIVIL RIGHTS ACT OF 1964

PRESIDENT'S EXECUTIVE ORDER 10925

PRESIDENT'S EXECUTIVE ORDER 11114

The following references should be used only as reference. If situations arise requiring official interpretation in relation to any of these documents, the official document should be consulted.

SUMMARY OF TITLES VI & VII OF THE CIVIL RIGHTS ACT OF 1964

TITLE VI - FEDERALLY ASSISTED PROGRAMS

Under this title every Federal Agency which provides financial assistance through grants, loans or contracts is required to eliminate discrimination on the grounds of race, color or national origin in these programs.

For example, this title would require the following:

A. hospitals constructed with Federal funds would have to serve all patients without regard to race, color or national origin;

B. elementary and secondary schools constructed, maintained and operated with Federal funds would have to admit children without regard to race, color or national origin;

C. State Employment Services financed by Federal funds would have to refer qualified job applicants for employment without discrimination;

D. schools for the deaf and the blind operated with Federal funds would have to serve the deaf and blind of any color;

E. colleges and universities receiving funds for their general operation or for the construction of special facilities, such as research centers, would have to admit students without discrimination;

F. construction contractors receiving funds under Federal public works programs would have to hire employees without discrimination.

Action by a Federal Agency to carry out the requirements of this title may include the terminating of programs where discrimination is taking place or refusal to grant assistance to such a program.

Each agency is required to publish rules or regulations to carry out the purposes of the title. These rules and regulations are subject to the approval of the President.

Compliance actions are subject to the following conditions:

A. notice must be given of alleged failure to comply and an opportunity for a hearing must be provided;

B. in the event assistance is to be cut off, a written report must be submitted to Congress 30 days before the cut-off date;

C. compliance action may be appealed to the courts.

Social security and veteran's benefits, and other Federal benefits distributed directly to individuals are not affected by this law.

Federal assistance in the form of insruance or guaranty--for example, FHA insured loans--are not covered by this title (however, the President's Executive Order prohibiting discrimination in Federally aided housing remains in effect).

TITLE VII - EQUAL EMPLOYMENT OPPORTUNITY

This title establishes a Federal right to equal opportunity in employment. It creates an Equal Employment Opportunity Commission to assist in implementing this right.

Title VII prohibits employers, labor unions and employment agencies from discriminating on the basis of race, color, religion, sex or national origin. This prohibition became effective on July 2, 1965.

To be covered by Title VII, an employer must meet 2 basic conditions. First, he must be engaged in an industry affecting commerce. Second, he must meet certain size requirements:

1. During the first year that the title was effective, it applied only to employers with 100 or more employees.
2. During the second year, which began July, 1966, to employers with more than 75 employees.
3. During the third year, it will apply to employers with more than 50 employees.
4. During the fourth year, to employers with more than 25 employees.

The term "employer" does not include the United States or a state or political subdivision thereof. However, the term "employment agency" includes the Unites States Employment Service and the system of state and local employment service receiving federal assistance.

Here briefly is how the Title will operate: Various acts of discrimination are prohibited by the act and are declared to be unlawful employment practices:

For an employer, it is an unlawful employment practice to refuse or fail to hire a person, or to discharge a person on a discriminatory basis. An employer cannot limit, segregate, or classify his employees in a way that would deprive an individual of employment opportunities.

For an employment agency, it is an unlawful employment practice to fail or refuse to refer for employment a person because of his race, color, religion, sex or national origin, or to classify or refer for employment any individual on the basis of his race, or other defined basis. Thus, the act makes it clear that an employment agency may not refuse to refer a Negro worker, just as it may not honor a discriminatory white only job order.

For a labor organization, it is an unlawful employment practice to exclude or expel members because of race, color, religion, sex or national origin, to otherwise discriminate in a way which would adversely affect a person's employment opportunities, or to cause an employer to discriminate against an individual.

For an apprenticeship or training program, it is an unlawful employment practice for an employer, a union, or a job labor-management committee to discriminate on the basis of race, color, sex or national origin.

To investigate complaints and attempt to bring about a voluntary settlement, Title VII creates a bipartisan Equal Employment Oppoutunity Commission. The Commission will play a role of great importance under the act. It can act on a charge in writing by a person who claims to be the victim of an unlawful employment practice. It can also act on a written charge filed by one of the commissioners, if he has reasonable cause to believe that a violation of Title VII has occurred.

Title VII gives the states and local authorities a first chance to remedy the infraction complained of. If the complaint comes within the scope of the state or local law, and if the state or local law provides for an authority to take appropriate action on the complaint, then the complaining individual must file his charge with the state or local authorities. Then after 60 days have elapsed, the individual can file his complaint with the Commission.

If there is no state or local law, then the complainant may go directly to the Commission. The state or local law must actually cover the unlawful employment practice. For example, a state may have an FEP law which does not prohibit discrimination in work training programs. If a complainant alleges discrimination in training, he need not proceed under the state law. On the other hand, if the complainant alleged discrimination in hiring and this was covered by the state law, he would be required to proceed under the state law, even though that law might be deficient in other areas.

If the charge is filed by a commissioner, the Commission too must notify state or local officials of the complaint and permit the state or local authorities 60 days to act under their law.

In the case of new state or local laws, the state or local authorities are given 120 days in which to act during the first year that their law is in existence. Thereafter, they would have only 60 days in which to handle the complaint.

If there is no local law, or if 60 days elapse and the complainant still desires to file a claim with the Commission, then the commission may act on the charge.

The first step that the Commission will take will be to provide the employer (or the union or employment agency, as the case may be) with a copy of the charge. The Commission will then investigate the charge. If the investigation leads the Commission to believe the charge is true, the Commission is authorized to eliminate the unlawful employment practice "by informal methods of conference, conciliation and persuasion."

At this state, the Commission is prohibited from publicizing the proceedings, unless it has the written consent of the parties. The act is so strong on this point that if an officer or employee of the Commission releases information concerning the conciliatory efforts, he subjects himself to a possible fine and imprisonment.

If persuasion does not accomplish its purpose, the Commission then notifies the aggrieved person that it has not been able to secure voluntary compliance. The aggrieved person himself may then bring suit in court, If the court feels that the case is of general importance, it may in its discretion permit the Attorney General to intervene in the civil action.

If the court finds that an unlawful employment practice has occurred, it may enjoin the appropriate party from engaging in such acts and order appropriate affirmative action. The affirmative action may include reinstatement or hiring of employees, with or without back pay. The act specifically provides that back pay is payable by whoever was responsible for the unlawful employment practice,including a labor organization or an employment agency.

Title VII also permits the Attorney General to institute civil action wherever he has reasonable cause to believe that a person or group of persons is engaged in a pattern or parctice of resistance to the full enjoyment of the rights secured by Title VII which is intended to deny the full exercise of those rights.

Section 709 (c) of Title VII authorizes the Equal Employment Opportunity Commission to issue regulations regarding the keeping of records and the filing of reports relevant to whether unlawful employment practices are being committed. This reporting and record keeping requirement is expressly made applicable to employment agencies, employers and labor organizations.

Title VII also requires employers, labor unions and employment agencies to post notices concerning the contents of Title VII. These notices will be either prepared or approved by the Commission.

The President is required to convene conferences for the purpose of informing leaders of groups affected by this title as to their duties and obligations, and for the purpose of planning a fair and effective administration of Title VII. Included among those to be invited to participate are representatives of state, local and private agencies engaged in furthering equal employment opportunity and representatives of employers, labor organizations and employment agencies.

TITLES VIII, IX AND X OF THE Act deal with certain statistical and technical matters.

PRESIDENT'S EXECUTIVE ORDER 10925

on

EQUAL EMPLOYMENT OPPORTUNITY

IN FEDERAL GOVERNMENT

ON FEDERAL CONTRACTS

and

The President's Committee on
Equal Employment Opportunity

PRESIDENTIAL DOCUMENTS

Title 3 - The President
Executive Order 10925

Part I - Establishment of the President's Committee on Equal Employment Opportunity.

Section 101 - There is hereby established the President's Committee on Equal Employment Opportunity.

Section 102 - The Committee shall be composed as follows:

a. The Vice President of the United States, who is hereby designated Chairman of the Committee and who shall preside at meetings of the Committee.

b. The Secretary of Labor, who is hereby designated Vice Chairman of the Committee and who shall act as Chairman in the absence of the Chairman. Other members of the Committee are the Chairman of the Atomic Energe Commission, the Secretary of Defense, the Secretaries of the Army, Navy and Air Force, the Administrator of General Services, the Chairman of the Civil Service Commission, and Administrator of the National Aeronautics and Space Administration, and such other members as the President may from time to time appoint.

An Executive Vice Chairman, designated by the President, who shall be an ex-officio member of the Committee. The Executive Vice Chairman shall assist the Chairman, the Vice Chiarman, and the Committee. Between meetings of the Committee he shall be primarily responsible for carrying out the functions of the Committee and may act for the Committee pursuant to its rules, desegations and other directives.

Part II - Nondiscrimination in Government Employment.

Section 201 - The President's Committee on Equal Employment Opportunity established by this order is directed immediately to scrutinize and study employment practices of the Government of the United States, and recommend affirmative steps which should be taken by executive departments and agencies to realize more fully the national policy of nondiscrimination within the executive branch of the Government.

Section 202 - All executive departments and agencies are directed to initiate forthwith studies of current government employment practices within their responsibility.

Section 203 - The policy expressed in Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), with respect to the exclusion and prohibition of discrimination against any employee or applicant for employment in the Federal Government because of race, color, religion or national origin is hereby reaffirmed.

Section 204 - The President's Committee on Government Employment Policy, established by Executive Order No. 10590 of January 18, 1955 (20 F.R. 409), as amended by Executive Order No. 10722 of August 5, 1957 (22 F.R. 6287), is hereby abolished, and the powers, functions and duties of that committee are hereby transferred to and henceforth shall be vested in, and exercised by, the President's Committee on Equal Employment Opportunity in addition to the powers conferred by this order.

Part III - Obligations of Government Contractors and Subcontractors

Subpart A - Contractors' Agreements

Section 301 Amended by Section 201 of Executive Order 11114 to read:

"During the performance of this contract, the contractor agrees as follows:

"1. The contractor will not discriminate against any employee or applicant for employment because of race, creed, color or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

"2. The contractor will, in all solicitations or advertisements for employees place by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color or national origin.

"3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"4. The contractor will comply with all provisions of Executive Order Number 10925 of March 6, 1961, as amended, and of the rules, regulations and relevent orders of the President's Committee on Equal Employment Opportunity created thereby.

"5. The contractor will furnish all information and reports required by Executive Order Number 10925 of March 6, 1961, as amended, and by the rules, regulations and orders of the said Committee, or pursuant thereto, and will permit access to his books, records and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations and orders.

"6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in Executive Order Number 10925 of March 6, 1961, as amended, and such other sanctions may be imposed and remedies invoked as provided in the said Executive Order or by rule, regulation or other of the President's Committee on Equal Employment Opportunity, or as otherwise provided by law.

"7. The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations or orders of the President's Committee on Equal Employment Opportunity issued pursuant to Section 303 of Executive Order Number 10925 of March 6, 1961, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontractor or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

Section 302

a. Each contractor having a contract containing the provisions prescribed in Section 301 shall file, and shall cause each of its subcontractors to file, compliance reports with the contracting agency.

b. Bidders or prospective contractors or subcontractors may be required to state whether they have participated in any previous contract subject to the provisions of this order, and in that event to submit, on behalf of themsleves and their proposed subcontractors, compliance reports prior to or as an initial part of their bid or negotiation of a contract.

c. Whenever the contractor or subcontractor has a collective bargaining agreement or other contract or understanding with a labor union or other representative of workers, the compliance report shall include such information as to the labor union's or other representative's practices and policies affecting compliance as the Committee may prescribe.

Section 303 of Executive Order No. 10925 is amended to Executive Order 11114 to read:

"The Committee may, when it deems that special circumstances in the national interest so require, exempt a contracting agency from the requirement of including any or all of the provisions of Section 301 of this order in any specific contract, subcontract, or purchase order. The Committee may, by rule or regulations, also exempt certain classes of contracts, subcontracts or purchase orders (a) where work is to be or has been performed outside the United States and no recruitment of workers within the limits of the United States is involved; (b) for standard commercial supplies or raw materials; (c) involving less than specified amounts of money or specified numbers of workers; or (d) to the extent that they involve subcontracts below a specified tier. The Committee may also provide, by rule, regulation or order, for the exemption of facilities of a contractor which are in all respects separate and distinct from activities of the contractor related to the performance of the contract, provided that such an exemption will not interfere with or impede the effectuation of the purposes of this order and provided that in the absence of such an exemption all such facilities shall be covered by the provisions of this order."

Subpart B - Labor Unions and Representatives of Workers

Section 304.- The Committee shall use its best efforts, directly and through contracting agencies, contractors, state and local officials and public and private agencies, and all other instrumentalities, to cause any labor union, recruiting agency or other representative of workers who is or may be engaged in work under government contracts to cooperate with and to comply in the implementation of the purposes of this order.

Subpart C - Powers and Duties of the President's Committee on Equal Employment Opportunity and of Contracting Agencies.

Section 306 - The Commiteee shall adopt such rules and regulations and issue such orders as it deems necessary and appropriate to achieve the purposes of this order, including the purposes of this order, including the purposes of Part II hereof relating to discrimination in government employment.

Section 307 - Each contracting agency shall be primarily responsible for obtaining compliance with the rules, regulations and orders of the Committee.

Section 309

a. The Committee may itself investigate the employment practices of any government contractor or subcontractor, or initiate such investigation by the appropriate contracting agency or through the Secretary of Labor.

b. The Committee may receive and cause to be investigated complaints by employees or prospective employees of a government contractor or subcontractor which allege discrimination contrary to the contractual provisions specified in Section 301.

Section 310

a. The Committee, or any agency or officer of the United States designated by rule, regulation or order of the Committee, may hold such hearings, public or private, as the Committee may deem advisable for compliance, enforcement or educational purposes.

b. The Committee may hold, or cause to be held, hearings in accordance with subsection (a) of this section prior to imposing, ordering or recommending the imposition of penalties and sanctions under this order, except that no order for debarment of any contract from further government contractors shall be made without a hearing.

Section 311 - The Committee shall encourage educational programs by employer, labor, civic, educational, religious and other nongovernmental groups in order to eliminate or reduce the basic causes of discrimination in employment on the ground of race, creed, color or national origin.

Subpart D - Sections and Penalties

Section 312 - In accordance with such rules, regulations or orders as the Committee may issue or adopt, the Committee or the appropriate contracting agency may:

a. Publish, or cause to be published, the names of contractors or unions which it has concluded have compiled or have failed to comply with the provisions of this order or of the rules, regulations and orders of the Committee.

b. Recommended to the Department of Justice that, in cases where there is substantial or material violation or the threat of substantial or material violation of the contractual provisions set forth in Section 301 of this order, appropriate proceedings be brought to enforce those provisions, including the enjoining, within the limitations of applicable law, of organizations, individuals or groups who prevent directly or indirectly, or seek to prevent directly or indirectly, compliance with the aforesaid provisions.

JOHN F. KENNEDY

The White House, March 6, 1961.

(F.R. Doc. 61 2093; Filed, March 7, 1961; 10:06 a.m.)

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PRESIDENT'S EXECUTIVE ORDER 11114

Extending the Authority of the President's Committee on Equal Employment Opportunity

Part I - Nondiscrimination Provisions in Federally Assisted Construction Contracts.

Section 101 - Each executive department and agency which administers a program involving Federal financial assistance shall, insofar as it may be consistent with law, require as a condition for the approval of any grant, contract, loan, insruance or guarantee thereunder which may involve a construction contract that the applicant for Federal assistance agree to incorporate, into all construction contracts paid for in whole or in part with funds obtained from the Federal Government or borrowed on the Credit of the Federal Government, the provisions prescribed for Government contracts by Section 301 of Executive Order No. 10925 or such modification thereof.

Section 102

a. "Construction contract" as used herein means any contract for the construction, rehabilitation, alteration, conversion, extension or repair of buildings, highways or other improvements to real property.

b. The provisions of Part III of Executive Order No. 10925 shall apply to such construction contracts, and for purposes of such application the administering department or agency shall be considered the contracting agency referred to therein.

c. The term "applicant" as used herein means an applicant for Federal assistance or other program participant, with respect to whom an applicant for any grant, contract, loan, insurance or guarantee.

Section 103

a. Each administering department and agency shall be primarily responsible for obtaining the compliance of such applicants with their undertakings hereunder and shall comply with the rules of the Committee in the discharge of this responsibility.

b. In the event an applicant fails and refuses to comply with his undertakings, the administering department or agency may, and upon the recommendation of the Committee, shall take any or all of the following actions:

   (1) cancel, terminate or suspend in whole or in part the agreement or contract with such applicant with respect to which the failure and refusal occurred;

   (2) refrain from extending any further assistance under any of its programs subject to this order until satisfactory assurance of future compliance has been received from such applicant;

(3) refer the case to the Department of Justice for appropriate legal proceedings.

c. No action shall be taken with respect to an applicant pursuant to paragraph (1) or (2) of subsection (b) without notice and hearing before the administering department or agency or the Committee, in accordance with the rules and regulations of the Committee.

Section 104 - The Committee may, by rule, regulation or order, exempt all or part of any program of an administering agency from the requirements of this order when it deems that special circumstances in the national interest so require.

Section 105 - The Committee shall adopt such rules and regulations and issue such orders as it deems necessary and appropriate to achieve the purposes of this order.

JOHN F. KENNEDY

The White House, June 22, 1963.

(F.R. Doc. 63 6779; Filed June 24, 1963; 10:50 a.m.)

CHAPTER VI

EMPLOYMENT SECURITY COMMISSION STATE OF NEW MEXICO ASSURANCE OF COMPLIANCE WITH TITLE VI OF CIVIL RIGHTS ACT OF 1964

STATE OF New Mexico

ASSURANCE OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 AND THE REGULATIONS OF THE DEPARTMENT OF LABOR UNDER THAT ACT

The EMPLOYMENT SECURITY COMMISSION OF NEW MEXICO (hereinafter called the State Agency) hereby ASSURES that in its administration of the continuing public employment service and unemployment compensation programs, in its provision of services in programs receiving Federal financial assistance under the Manpower Development and Training Act and the Economic Opportunity Act and in its administration of any other program or activity for which it receives Federal financial assistance from or through the Department of Labor it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 241, hereinafter called the Act) and the Regulations of the Department of Labor issued pursuant to the Act (29 Code of Federal Regulations, Part 31, hereinafter called the Regulation.)

To this end, the State Agency specifically AGREES:

1. That the State Agency will not select or refer any individual for employment or training on the basis of any job order or request containing discriminatory specifications with regard to race, color or national origin, notwithstanding traditional hiring practices on the basis of race, color or national origin which may be prevalent in a given community. That where a job specification, such as length of experience, union membership or other requirement, has the necessary effect under the circumstances, of discriminating on the basis of race, color or national origin, the State Agency will not select or refer an individual for employment or training on the basis of a job order containing such a specification. That in referring the applicant to an employer the State Agency will not identify the race, color or national origin of the applicant.

2. That in the dissemination of information about employment or training opportunities, the State Agency will use such methods as are designed to reach all persons, regardless of race, color or national origin, likely to benefit from such opportunities.

That minority group applicants will be counseled according to their aptitudes, experience and interests rather than traditional occupational patterns for minority group persons in the community.

That employment service aptitude and proficiency tests will be administered without regard to the race, color or national origin of the applicants, and that test results will be interpreted and used in conformance with instructions and guidelines issued by the Bureau of Employment Security.

3. That in the taking of applications for jobs, local office functions will be performed according to the same standard for all applicants without regard to race, color or national origin. To this end, the State Agency agrees, when interviewing a member of a minority group, (a) to conduct the interview in a

manner which accords with the established policy and standards set forth in the Employment Security Manual, (b) to obtain all information required for job placement and to record such information accurately, (c) to refrain from recording any identification, by code or otherwise, of the race, color or national origin of the applicant except as may be required by the Secretary of Labor and (d) to provide applicants with all information pertinent to their registration for work.

4. That the assignment of an occupational classification on the basis of such non-job performance factors as race, color or national origin violates Title VI of the Act and this Assurance, and that the State Agency, accordingly, will not employ any criteria or utilize any methods of administration which have the effect of assigning any applicant for any occupational classification on the basis of race, color or national origin. The State Agency agrees to inform the applicant of the occupational title and code finally selected after discussion with the job applicant.

5. That in the operation of a "casual labor" office, the State Agency will disseminate information of users of said office about permanent job openings and training opportunities for permanent work, and will counsel applicants with the view of placing them in permanent openings or training opportunities wherever appropriate.

6. That the dissemination of information about, and the registration, testing and selection of persons for, apprenticeable trades will be conducted by the State Agency in such a manner as to insure that all qualified persons are selected and referred to openings without regard to race, color or national origin.

7. That the State Agency will select trainees in accordance with the policies of the United States Employment Service that pertain to selection for employment, and will utilize no criteria or methods of administration which result in or have the effect of discouraging persons on account of their race, color or national origin from participating in any training program under the Manpower Development and Training Act, the Economic Opportunity Act or other public or privately sponsored training to which the State Agency is authorized to make referrals. The State Agency will make no distinction on the ground of race, color or national origin in its referral of persons to types of training and in its placement of persons after training.

8. That in the administration of the Federal and State unemployment insurance programs, and in the payment of allowances under the Trade Expansion Act, the Manpower Development and Training Act, and the Area Redevelopment Act, the filing for and adjudication and payment of benefits, and other application of the laws shall be without regard to race, color or national origin.

10. That the State Agency will cooperate with the Neighborhood Youth Corps, the Bureau of Apprenticeship and Training and the Office of Manpower, Automation and Training by furnishing such agencies with information obtained through the operations of the Employment Service which is relevant to the implementation of Title VI of the Act and the Regulation.

11. That the State Agency will inform and instruct the staff of all its offices concerning their obligations under Title VI of the Civil Rights Act of 1964 and will furnish a copy of the United States Secretary of Labor's Rules and Regulations and a signed copy of this Assurance to all such staff.

12. That the State Agency will inform the general public of the fact that services and other benefits under all programs are provided on a nondiscriminatory basis, as required by Title VI of the Civil Rights Act, and of the right of any person to file a complaint with the Secretary of Labor if he believes that discrimination on the ground of race, color or national origin is being practiced.

13. That the State Agency, upon receipt of a written or oral complaint from any source, will notify immediately the Regional Administrator of the Bureau of Employment Security (BES) and promptly mail to the official so notified a copy of any written complaint. The State Agency will cooperate with BES by undertaking such actions as may be requested.

14. That the State Agency will review the practices within all of its local offices to assure that these practices are in conformity with the Regulation and this Assurance and will do so not less frequently than every calendar quarter.

15. That the State Agency will describe in a Compliance Report the methods of administration, staffing arrangements, assignment of responsibility and procedures, including where appropriate copies of materials which the State Agency is establishing and will follow in carrying out the activities described in this Assurance and in assuring that programs or activities it administeres are administered in accordance with the Act and the Regulation.

16. That the State Agency will keep such records as required by the Secretary of Labor and from time to time submit such reports as may be required to insure compliance with the Regulations and this Assurance. For the same purpose, all facilities of the State Agency and all records, books, accounts and other sources of information pertinent to the ascertainment of the State Agency's compliance with the Regulations will be available for inspection at any time during normal business hours by a Department of Labor representative authorized to make such inspections.

The State Agency recognizes and agrees that the Federal financial assistance referred to herein and extended after the date hereof to the State Agency, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date, will be extended in reliance on the representations contained in this Assurance.

The State Agency recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this Assurance, and that the UnitedsStates shall have the right to seek judicial enforcement of this Assurance.

EMPLOYMENT SECURITY COMMISSION OF NEW MEXICO
(State Agency)

/S/ J. BAYES WILLIAMS

BY______________________________
(Authorized Representative)
J. BAYES WILLIAMS, ACTING
Chairman-Executive Director

October 13, 1965
(Date)

CHAPTER VII

NEW MEXICO EQUAL EMPLOYMENT OPPORTUNITIES ACT

NEW MEXICO STATUTES ANNOTATED 1953 COMPILATION
CHAPTER 59 ARTICLE 4

59-4-1. Purposes and Declaration of Policy--(a) The practice or policy of discrimination against individuals by reasons of their race, color, religion, national origin or ancestry is a matter of state concern. Such discrmination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state and undermines the foundations of a free democratic state. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the state of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.

(b) It is hereby declared to be the public policy of this state to foster the employment of all persons in accordance with their fullest capacities, regardless of their race, color, religion, national origin or ancestry, and to safeguard their right to obtain and hold employment without such discrimination.

(c) This article shall be known as "Equal Employment Opportunities Act." It shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, health and peace of the people of the state.

59-4-2. Opportunity for Employment Without Discriminating a Civil Right--The opportunity to obtain employment without discrimination because of race, color, religion, national origin or ancestry is hereby recognized as and declared to be a civil right. (Laws 1949, ch. 161, S.2.)

59-4-3. Definitions--When used in this article.

(a) The term "person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, receivers or other organized groups of persons.

(b) The term "employment agency" includes any person undertaking with or without compensation to procure opportunities to work or to procure, recruit, refer or place employees.

(c) The term "labor organization" includes any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

(d) The term "employer" includes the state, or any political or civil sub-division thereof, any persons employing four (4) or more persons in same kind of employment within the state, and any person acting in the interest of an employer, directly or indirectly, but does not include a religious corporation or association, or a social or fraternal club not organized for private profit.

(e) The term "employee" does not include any individual employed by his parents, spouse or child or in the domestic service of any person.

(f) The term "commission" means the state commission against discrimination created by this article.

(g) The term "unlawful employment practice" includes only those unlawful employment practices specified in Section 4 (S. 59-4-4) of this article.

(h) The term "discriminate) includes segregate or separate. (Laws 1949, ch. 161, S.3.)

59-4-4 UNLAWFUL EMPLOYMENT PRACTICES--(a) It shall be unlawful employment practice: For an employer, by himself or his agent because of the race, color, religious creed, national origin or ancestry of any individual to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment, unless based upon a bonafide occupational qualification.

(b) For a labor organization hereafter to directly or indirectly, by ritualistic practice, constitutional or by law prescription, by tacit agreement among its members, or otherwise deny a person or persons membership in its organization by reason of his race, color or creed, or by regulations, practice or otherwise, deny to any of its members, by reason of race, color or creed, equal treatment with all other members in any designations of members to any employer for employment promotion or dismissal by such employer.

(c) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry or record in connection with employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religious creed, national origin or ancestry or any intent to make any such limitation, specification or discrimination, or to discriminate in any way on the ground of race, color, religious creed, national origin or ancestry unless based upon a bonafide occupational qualification.

(d) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this chapter or because he has filed a complaint, testified or assisted in any proceeding under Section five (S. 59-4-5)

(e) For any person, whether an employer or an employee or not, to aid, abet, incite or coerce the doing of any of the acts forbidden under this chapter or to attempt to do so. (Laws 1949, ch. 161, S.4.)

(f) Any person, firm, association or corporation who shall expend any public moneys in violation of any of the provisions of Sections 59-4-1 to 59-4-14 shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or imprisoned for not more than ninety days in the county jail of the county wherein such violation may have occurred, or both such fine and imprisonment at the discretion of the court.

Attorney General's Opinion: A rule requiring employees to speak only English during working hours would constitute an unfair employment practice unless such rule was based on a bonafide occupational qualification. 1959-60. No. 60-99.

59-4-5. GOVERNMENT CONTRACTS--Every contract to which the state or any of its political or civil subdivisions is a party shall contain a provisions requiring the contractor and his subcontractor not to discriminate against any employee or applicant for employment, to be employed in the performance of such contract, with respect to his hire, tenure, terms, conditions, or provileges of employment or any matter directly or indirectly related to employment, because of his race, color, religion, national origin or ancestry. Breach of this covenant may be regarded as a material breach of the contract. (Laws 1949, ch. 161, S. 5.)

59-4-6. STATE FAIR EMPLOYMENT PRACTICE COMMISSION--(a) There is hereby created a commission to be known as New Mexico Fair Employment Practice Commission consisting of five (5) members to be known as commissioners, one of whom shall be the duly elected and qualified attorney general of the state of New Mexico and one of whom shall be the duly appointed qualified and acting labor commissioner of the State of New Mexico, each of whom shall serve ex officio, and three (3) members who shall be appointed by the governor by and with the advice and consent of the senate. One of such commissioners shall be designated as chairman by the governor. The term of office of each appointive member of the commission shall be for three (3) years. Provided, however, that of the commissioners first appointed, one (1) shall be appointed for a term of one (1) year, one (1) for a term of three (3) years. Any member whom he is to succeed, occurring otherwise than by expiration term of the member chosen to fill a vacancy. A majority of said commissioners shall constitute a quorum to transact business and for the exercise of any of the powers or authority conferred by this article. A vacancy in the commission shall not impair the right of the remaining members to execute all the powers of the commission.

(b) The members of said commission shall receive no salary.

(c) Within ninety (90) days after the passage of this article the commission shall meet and organize in the manner herein provided.

(d) The commission shall appoint as director the labor commissioner of the State of New Mexico, whose duties shall be to keep a full and correct record of all proceedings of the commission, to issue all necessary processes, writs, warrants, orders, awards and notices and to perform all other duties as the commission may prescribe. He shall also have supervision of the collection of data, information concerning matters covered by the provisions of this article and make such reports and investigations as the commission may direct. Proceedings of the commission shall be open to the public and shall stand and be adjourned without further notice thereof on its record.

(e) The commission shall have power with the approval of the governor to employ during its pleasure such deputies, experts, clerks, examiners and other employees as may be deemed necessary to carry out the provisions of this article (SS 59-4-1 -- 59-4-14) or to perform the duties and exercise the powers conferred by law upon the commission. (Laws 1949, ch. 161, S. 6.)

59-4-1 GENERAL POLICIES OF THE COMMISSION -- The commission shall formulate policies to effectuate the purposes of this act and make recommendations to agencies as officers of the state or local subdivisions of government in aid of such policies and purposes. (Laws 1949, ch. 161, S. 7.)

59-4-8 POWERS AND DUTIES OF THE COMMISSION -- (a) To establish and maintain a principal office in the city and county of Santa Fe and such other offices within the state as it may deem necessary and to avail itself where deemed necessary of the offices furniture, appliances, supplies, equipment of the labor and industrial commission of New Mexico or to hold sessions at the offices of the labor and industrial commission of New Mexico.

(b) To meet and function at any place within the state.

(c) To appoint with the approval of the governor and attorney general such attorneys, hearing examiners and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law and prescribe their duties.

(d) To adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this act and the policies and practice of the commission in connection therewith.

(e) To formulate policies to effectuate the purposes of this act and make recommendations to agencies and officers of the state or local subdivision of government to effectuate such policies.

(f) To receive, investigate and pass on charges of unfair employment practices.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question before the commission. The commission may make rules as to the issuance of subpoenas by individual commissioners or the directory. Continancy or refusal to obey a subpoena issued pursuant to this section shall constitute a contempt punishable, upon the application of the commission, by the district court in which the witness resides, transacts business or is found. No person shall be excused from attending and testifying or from producing books, records, correspondence, documents or other evidence in obedience to the subpoena of the commission, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or a forfeiture, but no individual shall be prosecuted or subjected to any penalty of forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(h) To create such advisory agencies and conciliation councils, local, regional or statewide, as in its judgment will aid in effectuating the purposes of this chapter, and the commission may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination, because of race, color, religious creed, national origin or ancestry, in order to foster, through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the population of the state and make recommendations to the commission for the development of policies and procedures in general and in specific instances, and for programs of formal and informal education which the commission may recommend to the appropriate state agency. Such advisory agencies and conciliation councils shall be compised of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses; and the commission may make provision for technical and clerical assistance to such agencies and councils for the expenses of such assistance.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, color, religious creed, national origin or ancestry.

(j) From time to time, but not less than once a year, to report to the legislature and the governor, describing in detail the investigations, proceedings and hearings it has conducted and their outcome, the dicisions it has rendered and the other work performed by it and make recommendations for such further legislation concerning abuses and discrimination because of race, color, religion, national origin or ancestry as may be desirable.

(k) To adopt an official seal, (Laws 1949, ch. 161, S. 8.)

Attorney General's Opinion: The civil rights jurisdiction of the Fair Employment Practice Commission extends only to cases wherein unfair and discriminatory employment practices are alleged. 1959-60. No. 60-79.

59-4-9 EDUCATIONAL PROGRAM -- (a) In order to eliminate prejudice among the various racial, religious and ethnic groups in this state and to further good-will among such groups, the commission in cooperation with other departments of government is directed to prepare a comprehensive educational program, designed for the students of the public schools of this state and for all other residents thereof, designed to emphasize the origin or prejudice against such minority groups, its harmful effects, and its incompatibility with American principles of equality and fair play.

(b) The commission is hereby authorized to accept contributions from any person to assist in the effectuation of this section and may seek and enlist the cooperation of private charitable, religious, labor, civic and benevolent organizations for the purposes of this sedtion. (Laws 1949, ch. 161, S. 9.)

Attorney General's Opinion: A gift of money paid into the Fair Employment Practice Commission should be expended by the directors of the Commission and not the budget and finance department of the State of New Mexico. 1959-60. No. 59-114.

59-4-10 PREVENTION OF UNFAIR EMPLOYMENT PRACTICES--PROCEDURE--(a) Commission is emprowered and directed, as hereinafter provided, to prevent any person from engaging in unfair employment practices, provided that before instituting the formal hearing authorized by this section it may attempt, by informal methods of persuasions and conciliation, to induce compliance with this act.

(b) Any person claiming to be aggrieved by an alleged unlawful employment practice or any associate or person on his behalf, may by himself or his attorney-at-law, make, sign and file with the commission a verified complaint in writing which shall state the name and address of the person, employer, labor organization or employment agency alleged to have committed the unlawful employment practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the commission. The industrial commissioner or attorney general may, in like manner, make, sign and file such complaint. Any employer whose employee, or some of them, refuse or threaten to refuse to cooperate with the provisions of this article, may file with the commission a verified complaint asking for assistance by conciliation or other remedial action. After the filing of any complaint, the director of the commission shall designate one of the commissioners to make, with the assistance of the commission's staff prompt investigation in connection therewith; and if such commissioner shall determine after such investigation that probable cause exists for crediting the allegations of the complaint, he shall immediately evdeavor to eliminate the unlawful employment practice complained of by conference, conciliation and persuasion. The members of the commission and its staff shall not disclose what has transpired in the course of such endeavors. In case of failure so to eliminate such practice, or in advance thereof if in his judgment circumstances so warrant, he shall cause to be issued and served in the name of the commission, a written notice, together with a copy of such complaint as the same may have been amended, requiring the person, employer, labor organization or employment agency named in such complaint at a hearing before any member of the commission or any qualified examiner designated in writing by the commission to conduct such hearings and receive evidence, sitting as the commission, at the time and place to be specified in such notice. The place of any such hearing shall be the office of the commission or such other place as may be designated by it. The case in support of the complaint shall be presented before the commission by one of its attorneys or agents or by an attorney for the complainant and the commissioner who shall have previously made the investigation and cause the notice to be issued shall not participate in the hearing except as a witness, nor shall he participate in the deliberations of the commission in such case; and the aforesaid endeavors at conciliation shall not be received in evidence. The respondent may file a written verified answer to the complaint and appear at such hearing in person or otherwise, with or without counsel, and submit testimony. In the discretion of the commission, the complainant may be allowed to intervene and present testimony in person or by counsel. The commission or the complainant shall have the power reasonably and fairly to amend any complaint, and the respondent shall have like power to amend his answer. The commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearing shall be under oath and be transcribed. If, upon all the evidence at the hearing, the commission shall find that a respondent has engaged in any unlawful employment practice as defined in this article (SS 59-4-1--49-41-14), the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and to take such affirmative action, including (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, or restoration to membership in any respondent labor organization, as, in the judgment of the commission, will effectuate the purposes of this article, and including a requirement for report of the manner of compliance. If, upon all the evidence, the commission shall find that a respondent has not engaged in any such unlawful employment practice, the commission shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of its order shall be delivered in all cases to the labor commissioner, the attorney general, and such other public officers as the commission deems proper, until a transcript of the record in a case shall be filed in a court as hereinafter provided, the commission may, at any time, upon reasonable notice, and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made by it (Laws 1949, ch. 161, S. 10.)

59-4-11 JUDICIAL REVIEW AND ENFORCEMENT -- (a) Any complainant, intervenor, or respondent, claiming to be aggrieved by a final order of the commission, including a refusal to issue a complaint, may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement, in a proceeding as provided in this section. Such proceeding shall be brought in the district court of the state within any county where the unfair employment practice which is the subject of the commission's order was committed or wherein any respondent required in the order to cease and desist from an unfair employment practice or to take other affirmative action resides or transacts business. Such proceedings shall without exception be by trial de novo.

(b) Such proceedings shall be initiated by the filing of a petition in such court and the service of a copy of the said petition upon the commission and upon all parties who appeared before the commission. There upon the commission shall file a transcript of the record upon the hearing before it. The court shall have jurisdiction of the proceeding and of the questions determined therein and shall have power to grant such temporary relief or restraining order as it deems just and proper. The court, in its discretion, may consider the matter, solely upon the transcript filed by the commission or may order a new trial upon the merits as if no trial had been had or may consider such portions of the transcript as it considers admissible and as ordered by the court. Findings of the commission shall not be binding on the court but may be altered and modified as the court shall, in its discretion, deem advisable. The court shall make and enter its order enforcing, modifying and enforcing as so modified, or setting aside in whole or in part any findings and/or order of the commission or substituting its own findings and its own order. The court of its own motion or on motion of any party may remand the case to the commission in the interest of justice for the purpose of adducing additional specified and material evidence and the making of findings thereon.

(c) The jurisdication of the court shall be exclusive and its judgment and order shall be final, subject to review by the supreme court as provided by law.

(d) The commission's copy of the testimony shall be available at all reasonable times to all parties without cost for examination and for the purposes of judicial review of the order of the commission. The petition shall be heard on the transcript of the record without requirement of printing.

(e) The commission may appear in court by its own attorney.

(f) Petitions filed under this section shall be heard expenditiously and determined upon the transcript filed, without requirement of printing.

(h) If no proceeding to obtain judicial review is instituted by a complainant, intervenor, or respondent within thirty days from the service of an order of the commission pursuant to section 10 (S. 59-4-10) hereof, the commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought. (Laws 1949, ch. 161, S. 11.)

59-4-12 CONSTRUCTION -- The provisions of this act shall be construed liberally for the accomplishment of the purposes thereof and any law inconsistent with any provision hereof shall be deemed to repeal any of the provisions of any law of this state relating to discrimination because of race, color, religion, national origin or ancestry. (Laws, 1949, ch. 161, S. 12.)

59-4-13 SEVERABILITY -- If any clause, sentence, paragraph or part of this act or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act or its application to other persons or circumstances. (Laws 1949, ch. 161, S. 13.)

59-4-14 SHORT TITLE -- This act may be cited as the "Fair Employment Practices Act." (Laws 1949, ch. 161, S. 14.)

REGULATION NO. 1

WHEREAS, need is found to exist for clarification of the requirements and procedures directed to be followed by Section 59-4-10, N.M.S.A., 1953 Compilation;

THEREFORE, by virtue of the power granted by Sub-Section "(d)" of Section 59-4-8, N.M.S.A., 1953 Compilation, the Fair Employment Practice Commission hereinafter referred to as "The Commission" does hereby adopt and promulgate the following regulation:

PROCEDURES FOR PROCESSING COMPLAINTS

1. All complaints alleging violation of the Fair Employment Practices Act shall be filed with the Commission.

2. The complaints received by the Commission shall be examined for legal sufficiency in accord with the requirements of Section 59-4-10 (b), supra, to-wit; signatures, verification, name and address of the accused, the particulars alleging commission of unlawful employment practice, and such other information as may be required by the Commission.

3. Amendment of all complaints to make the same conform with the requirements specified in Paragraph No. 2 above shall be ordered by the Commission.

4. Simultaneous with the above, jurisdiction must be found to exist by the Commission, if possible, prior to proceeding further with any investigation under the complaint.

5. The Director of the Commission is hereby authorized to act in the stead of the Commission in receiving any complaint and in making any determination specified in the preceding paragraphs.

6. Upon receipt of proper complaint and upon a determination by the Commission, or the Director in its stead, that jurisdication exists, one of the Commissioners shall be designated by the Director to promptly conduct an investigation pursuant to the allegations of the complaint, and for such purposes the Commissioner may call to his assistance any member of the Commission's staff.

7. If the designated Commissioner determines, after investigation, that probable cause exists that the alleged violation has occurred, he shall immediately attempt to eliminate the unlawful employment practice by conference, conciliation and persuasion.

8. The members of the Commission and its staff shall not disclose what has transpired in the course of attempts to eliminate the unlawful employment practice complained of.

9. Should the designated commissioner be unsuccessful in his attempts to eliminate the alleged unlawful employment practice, or prior thereto if circumstances warrant, he shall cause to be issued and served upon the respondent in the name of the Commission a written notice together with a copy of the complaint as last amended.

10. The written notice shall require the respondent named in the complaint to appear before any member of the Commission or any qualified examiner, as may be designated in writing by the Commission to conduct such hearings and receive evidence at a specified time and place, but in no event less than twenty (20) days after service of such notice, in order to answer in writing or otherwise, as such respondent may desire, the charges of the complaint.

11. The Commission shall designate the place for such hearing, in the event that the office of the Commission is not available.

12. The designated Commissioner shall not participate in the hearing nor in the deliberations of the Commission with regard to such case, except as a witness.

13. The words and form of the notice provided for an Paragraphs 9 and 10 above shall be substantially as follows:

FAIR EMPLOYMENT PRACTICES COMMISSION
State of New Mexico

JOHN DOE, Complainant
v.
Z. Company, Respondents

NOTICE OF HEARING

To:___________________________Respondent:

YOU ARE HEREBY commanded to appear before (the Fair Employment Practice Commission), with whom the complaint herein is filed, at (such Commission's Office located at 137 East De Vargas, Santa Fe, New Mexico) on __________ (month) __________ (Day) __________ (Year) at ______________ (Time), then and there to answer the complaint of ______________, Complainant, in the above cause. You are notified that you may file a written, verified answer to the complaint, at any time prior to ________ A.M. of ________ (Month) ______ (Day) ______ (Year) and appear at the above hearing in person, with or without counsel, and submit evidence.

WITNESS the Fair Employment Practices Commission of the State of New Mexico, this__________day of______________A.D., 19____

By:______________________________
(Commissioner)

This is to certify that duplicate of this notice of hearing was delivered to__________________________in person, or to__________________________, a person over 15 years of age and residing at the respondent's usual place of abode, on the_____day of__________________, 19____at________o'clock ______M.

Adopted by the Fair Employment Practices Commission 9/24/65.

Recorded with the Supreme Court Librarian on 10/1/65.

FAIR EMPLOYMENT PRACTICE COMMISSION
RULES CN PRE-EMPLOYMENT INQUIRIES

Published under Authority of Section 8 (d) of
Chapter 59-4-8 Laws of New Mexico
1953 Compilation

NAME

LAWFUL INQUIRIES: Have you worked for this company under a different name? Maiden name or married woman applicant.	UNLAWFUL INQUIRIES: Original name, if name has been changed by court order or otherwise.

ADDRESS OR DURATION OF RESIDENCE

Place of residence, how long a resident of this state or city.	

BIRTHPLACE

	Birthplace of applicant, his parents, spouse or other relative. Requirement that applicant submit birth certificate, naturalization or baptismal record.

AGE

Requirement that applicant state his age and submit proof thereof in the form of certificate of age or work permit issued by school.	Requirement that applicant produce proof of age in the form of birth certificate or baptismal record.

RELIGION OR CREED

Do you regularly attend a house of worship?	Applicant's religious denomination of affiliations, church, parish, pastor, or religious holidays, observed. Applicant may not be told "This is a Catholic (Protestant or Jewish) organization."

PHOTOGRAPH

	Requirement that applicant fix photograph to application form. Request that applicant, at his option, submit photograph. Requirement for photograph after interview but before hiring.

LAWFUL INQUIRIES:	UNLAWFUL INQUIRIES:

RACE, COLOR

Color of eyes and hair	Complexion or color of skin.

CITIZENSHIP

Are you a U.S. Citizen? If not, do you intend to become one, and have you the legal right to remain permanently in U.S.? Have you been interned or arrested as an enemy alien? Are your parents and spouse U.S. citizens?	Of what country are you a citizen? Are you naturalized or native-born? When did you acquire citizenship? Requirement that applicant procure naturalization papers or first papers. Whether parents or spouse are naturalized or native-born U.S. citizens; date when they acquired citizenship.

NATIONAL ORIGIN

	Applicant's lineage, ancestry, national origin, descent, parentage; nationality of applicant, his parents spouse.

LANGUAGES

What foreign labguages do you read fluently? Write fluently? Speak fluently?	Mother tongue; language commonly used by applicant; how he acquired ability to read, write, speak, a foreign language.

EDUCATION

Applicant's academic vocational or professional education; the public and private schools he has attended.	

EXPERIENCE

Applicant's work experience; the countires he has visited.	

CHARACTER

Have you ever been arrested or convicted of crime? If so, when, where? Disposition of offense?	

RELATIVES

LAWFUL INQUIRIES:	UNLAWFUL INQUIRIES:
Names of applicant's parents, spouse and minor dependent children. Address (within U.S.) of parents, spouse and minor dependents children. Names of relatives already employed by this company. Do you live with your parents? If not, with whom do you live? What family have you?	Name of any relative other than parents, spouse and minor dependent children. Address of any relative, other than the address (within U.S.) of parents, spouse and minor dependent children.

NOTICE IN CASE OF EMERGENCY

Name and address of person to be notified in case of accident or emergency.	Name and address of nearest relative to be notified in case of accident or emergency.

MILITARY EXPERIENCE

Applicant's military experience in U.S. Armed Forces or State Militia; the branch of U.S. Army, Navy, etc.	Applicant's general military experience.

ORGANIZATIONS

Organizations of which applicant is a member, excluding organizations the name or character of which indicates race, creed, color or national origin of its members.	List all clubs, societies and lodges to which you belong.
Who suggested that you apply here?	

REFERENCES LIMITATIONS SECTION 3 CHAPTER 59
LAWS 1953

The term "employer" includes any person employing four or more persons in same kind of employment. It does not include a religious corporation or association, or a social or fraternal club not organized for profit.

The term "employee" does not include any individual employed by his parents, spouse or child or in the domestic service of any person.

SOURCE: Pamphlet on New Mexico Equal Employment Opportunities Act by Labor and Industrial Commission - April, 1966.

CHAPTER VIII

DIRECTORY OF ORGANIZATIONS AND AGENCIES CONCERNED WITH EQUAL EMPLOYMENT OPPORTUNITIES

CIVIL RIGHTS AGENCIES

Executive Order 11247, September 24, 1965, directed a major reorganization of Federal Agencies with primary responsibilities in civil rights. (Under Title VI of Civil Rights Act of 1964, all Federal Agencies have some responsibility.)

U. S. DEPARTMENT OF JUSTICE: Has ultimate responsibility for enforcing Title VI (Non-discrimination in federally-assisted programs); coordinates Federal Government enforcement policies in this area. Protects voting rights, representing other agencies in lawsuits, enforcing 1964 C.R. Act, 1957 and 1960, and 1965 Voting Rights Act. Upon complaint of individuals unable to sue, initiates suits to require desegregation of Federal facilities and public schools; suits to end discrimination in public accommodations and employment where it is a part of a practice or pattern. Intervenes in private lawsuits involving public accommodation and equal protection of law.

CIVIL SERVICE COMMISSION: Has responsibility for ensuring that all Federal departments abide by fair employment practices in hiring and promotion policies.

COMMISSION ON CIVIL RIGHTS: Created by Congress under 1957 Civil Rights Act, and authorized by 1960 and 1964 Civil Rights Acts. Investigates complaints alleging deprivation of right to vote by reason of race, color, religion, or national origin; investigates charges of vote fraud; acts as national clearinghouse for civil rights information (assuming such of these duties as formerly performed by the Community Relations Service); appraises Federal laws and policies with respect to equal protection.

COMMUNITY RELATIONS SERVICE: Created by Title X, Civil Rights Act 1964. Shifted from Commerce to Justice Department. Assists communities in resolving disputes arising from discriminatory practices impairing rights guaranteed by Federal Law or affecting interstate commerce; conciliates compliants referred by Federal Courts in law suits to desegregate public accommodations; aids communities in developing plans to improve racial relations and understanding. Functions primarily through conferences, publications and by providing technical assistance to communities.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION: Created by Title VII of the Civil Rights Act of 1964. Investigates charges of discrimination; through conciliation seeks to resolve disputes involving discrimination by employers, unions and employment agencies covered by Title VII. Required to carry out technical studies; make its assistance available to persons subject to the act; may refer matters to Department of Justice for action.

U.S. DEPARTMENT OF LABOR: The Secretary of Labor, heretofore Vice-Chairman of the President's Committee on Equal Employment Opportunity, has the responsibility for carrying out a program to assure non-discrimination in employment practices by government contractors, and subcontractors, including contractors engaged in Federally-assisted contruction work.

He may receive and investigate complaints of discrimination of employees or prospective employees of a government contractor; use his efforts directly and through agencies to cause labor unions engaged in work under government contracts to implement nondiscrimination; cancel contracts and refer to the Justice Department and other agencies cases requiring their action; provide administrative support for "Plans for Progress" (voluntary complaince program carried on mostly by private industry; formerly under PCEEO).

PRESIDENT'S COUNCIL ON EQUAL OPPORTUNITY: abolished, functions to Department of Labor and Civil Service Commission.

PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY: Abolished, functions to Department of Labor and Civil Service Commission. In 4½ years existence handeled some 3,000 cases involving government contractors and some 3,500 cases involving government employees.

Besides government agencies there are various nongovernmental orgainzations that are interested in Civil Rights. Many of these organizations have representatives or organizations in communities throughout the State of New Mexico. Following is a list of some of these organizations that appear to be more active in the state:

ALL PUEBLO COUNCIL

ANTI-DEFAMATION LEAGUE

ARCHBISHOP'S INTER-RACIAL COUNCIL

CORE - Congress of Racial Equality

G. I. FORUM - The American G. I. Forum of New Mexico

LULAC - League of United Latin American Citizens

NAACP - National Association for the Advancement of Colored People

NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

SER - Service - Employment - Revelopment

SNCC - Student Nonviolent Coordinating Committee

URBAN LEAGUE